United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

## SENATE—*Wednesday, July 27, 1994*

*(Legislative day of Wednesday, July 20, 1994)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable FRANK R. LAUTENBERG, a Senator from the State of New Jersey.

### PRAYER

The Reverend Dr. William D. Watley, St. James AME Church, Newark, NJ, offered the following prayer:

Let us pray:

O Lord, our Lord, how excellent is Your name in all the Earth. You have said in Your word:

"I am about to create new heavens and a new Earth; the former things shall not be remembered or come to mind * * * No more shall there be in it an infant that lives but a few days, or an old person who does not live out a lifetime; for one who dies at a hundred years will be considered a youth, and one who falls short of a hundred will be considered accursed. They shall build houses and inhabit; they shall plant vineyards and eat their fruit. They shall not build and another inhabit; they shall not plant and another eat; for like the days of a tree shall the days of my people be, and my chosen shall long enjoy the work of their hands. They shall not labor in vain, or bear children for calamity; for they shall be offspring blessed by the Lord and their descendants as well."—Isaiah 65:17, 20–23 NRSV.

God, we pray that Your vision for Your people will become our vision as well. We pray that we will understand our role and responsibility in making that vision our victory. Save us from cynicism that would categorize Your vision as rhetoric and not reality, as promise but not practical, and as a way we should live instead of the way we can live.

Thus we pray for humility to use power. We pray for principles that are so deeply held that they override personal differences and overrule political expedience. We pray for the courage of our convictions and for faith that overcomes fear. Above all, we pray that we shall never forget that, beyond our constituency, we are accountable to You, our Creator, for our actions.

God of our weary years, God of our silent tears
Thou who hast brought us thus far on the way,
Thou who hast by Thy might led us into the light,
Keep us forever in the path we pray.
Lest our feet stray from the places our God where we met Thee,
Lest our hearts drunk with the wine of the world we forget Thee
Shadowed beneath Thy hand, may we forever stand.
True to our God, true to our native land.—"Lift Every Voice and Sing," (African-American National Anthem), James Weldon Johnson.

In Your name and through Your grace, do we pray. Amen.

### APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, July 27, 1994.*

*To the Senate:*

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

ROBERT C. BYRD,
*President pro tempore.*

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. MITCHELL. Mr. President, on July 5, I wrote a letter to each Member of the Senate setting forth the schedule for this legislative period. In that letter, I stated that the education bill, a bill entitled "Improving America's Schools Act of 1993," would be a legislative priority and would be brought up during this legislative period. On July 12, I read that letter and had it placed in the CONGRESSIONAL RECORD. I also on that day placed in the CONGRESSIONAL RECORD a list of legislation which I intended to bring before the Senate during this legislative period, and that list included the education bill.

On July 21, I met with the Republican leader to discuss the schedule for this legislative period. During that meeting, I informed him that I would proceed to the education bill during this legislative period and probably sometime the following week, which is, of course, this week.

On July 25, this past Monday, the Senate began consideration of the Interior appropriations bill, and at my direction my staff notified the Republican leader's staff that the next legislative item would be either the education bill or the VA/HUD appropriations bill.

Therefore, Mr. President, each Member of the Senate has been on notice for several weeks that I would bring before the Senate the education bill, and that notice has taken several forms and been repeated over several weeks.

On yesterday, last evening, at my direction, my staff notified the Republican leader's staff that, having discussed the matter with the several chairmen involved in the various bills remaining, I concluded it would be best to proceed to the education bill today.

Accordingly, Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar Item 495, S. 1513.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COCHRAN. Reserving the right to object, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

● 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

Mr. COCHRAN. Mr. President, I rise to reserve the right to object because I have been advised that there is a Senator on this side of the aisle who would like to speak on the motion to proceed to the consideration of the bill. I have not been advised how long the Senator would like to speak or for what purpose except to speak on the motion to proceed.

So I would hope, if the majority leader could, he would consider laying the motion before the Senate and our proceeding to discuss that, and then at some point it is my hope that we will be able to proceed to the bill.

As the majority leader knows, I helped craft some of the provisions of this bill with members of the committee. I would like to see the bill taken up. Therefore, I have no personal objection to proceeding to consideration of the bill this morning, but I am constrained to object if the unanimous-consent request is put before the body.

Mr. MITCHELL. Mr. President, I appreciate the Senator's comments, and I understand the position in which he finds himself. I wish to make an inquiry of the Senator regarding the length of time involved.

Last evening, I indicated that it was my intention to make this motion at 9 a.m. today. We were asked by our Republican colleagues in order to accommodate one Senator—I assume the same Senator—if I would wait until 9:30, which I agreed to do—now waited until 9:40—and I inquire of the Senator whether he has any knowledge as to when we might be able to get a decision in that regard. I am perfectly prepared, as the Senator knows, to accommodate a Senator's wishes and schedule in that regard, but it would be helpful to me if I had some idea of when these events might occur.

Mr. COCHRAN. Mr. President, if the Senator will yield, I can say that I am told the Senator who wants to speak is on his way to the Capitol and would like to have the opportunity to speak. I do not know when he will arrive or how long he will speak, so I cannot answer the question about at what time we would proceed to consider the bill under the unanimous-consent request.

Mr. MITCHELL. Mr. President, I regret very much the objection to the unanimous consent request. The only effect of this, of course, is to cause delay of the Senate's actions and to mean that at some later time this evening or Friday we will be in session longer than otherwise would be the case.

## IMPROVING AMERICA'S SCHOOLS ACT

MOTION TO PROCEED

Mr. MITCHELL. Mr. President, for the reasons stated—and I understand the Senator's reasons—objection has been made to the unanimous consent request, I now move to proceed to order No. 495, S. 1513, a bill entitled "Improving America's Schools Act of 1993."

The ACTING PRESIDENT pro tempore. The question is on the motion.

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I hope that the debate on the motion to proceed will not inconvenience Senators who would like to proceed to consider the bill. But at this point, because there is a request for an opportunity to speak on the motion, my intention would be to suggest the absence of a quorum unless there are other Senators who do want to speak to the motion. I could certainly speak to the motion myself because I think we should proceed to the consideration of the bill and I will vote in favor of the motion when the motion is put to the Senate.

So I will be happy to yield the floor for that purpose. But I will not be able to consent to a vote on the motion now without the Senator who wants to speak being given the right to speak on the motion.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. Mr. President, I am prepared to wait a reasonable period of time for any Senator to appear. I have never failed to accommodate a Senator in this regard, and I point out that I have already acceded to one request to delay this matter at the Senator's request. But I am in a position where, without any assurance of when it might occur, I feel the necessity of setting forth some kind of time period within which we will either have a vote on the motion to proceed or a procedural vote to compel the attendance of Senators.

I recall, humorously—the Senator said the other Senator is on his way to the Capitol. I recall once when Senator Baker was majority leader that a Senator called him and said, "Could you hold the vote? I am at the airport. I am on the way." He agreed to do it. Only later did he find out that he was at the airport in Philadelphia on the way. I know that is not the case here.

But I have no objection to a quorum call, unless the Senator from Massachusetts or the Senator from New Jersey wishes to speak. But I will say to the Senator that I am perfectly prepared to accommodate a Senator within reason. But if no one shows up in the near future, this is time when we could be working—instead we are just doing nothing—and I will make a motion to instruct the Sergeant at Arms to request the presence of absent Senators. But I will discuss it with the Senator and with the Republican leader's staff for a reasonable time.

I just want to repeat that every Senator has had nearly a month's notice of intention to proceed on this bill, increased regularly over the past several days, as I earlier stated, and we are going to do the bill. It is inevitable. The question is when we do it. And the more often we end up not doing anything in the morning we end up doing it at night, which I personally do not think is a good practice. But it is something we are forced into because of actions like this.

But I will yield the floor, and I assure the Senator I will not seek a vote on the motion or move to do a procedural vote without further consultation with the Senator and with the Republican staff so as to try to again accommodate the Senator involved.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it would be my intention, since it certainly appears that we will be debating this issue during the course of today and whatever time it takes to complete action, to outline the legislation itself, and I invite my friend and colleague, the chairman of the Education Committee, Senator PELL, Senator KASSEBAUM, and others to do likewise so that we will be prepared to move ahead with the amendments at the earliest possible time when we actually get onto the bill.

I see the Senator from New Jersey. I am glad to yield the floor for a question.

Mr. LAUTENBERG. I appreciate that. I would like, if I may, to make a statement regarding the Chaplain's prayer this morning.

Mr. KENNEDY. I am glad to yield for that purpose.

## THE PRAYER

Mr. LAUTENBERG. Mr. President, if the Senator from Massachusetts will indulge me, I do appreciate it—and my colleagues also—because this morning we had an opportunity to hear from the Reverend Dr. William Watley, who is the pastor of the AME St. James Church in Newark.

As we heard from the guest chaplain's prayer this morning, he is a man of deep thought and interest in serving our constituents. I thought it was a particularly good message in this body to remind us. If I may just extend the chaplain's remarks a little bit to say kind of "get on with your business." I am hoping that we will do just that this morning.

Dr. Watley has a significant parish of over 3,000 members. He is someone who has taken time in his life to get the kind of education that prepares him so well for his assignment as a leader in the community, not just religious, but also on the activist side.

What he has done in a city deeply troubled by lack of resource, lack of opportunity, is to try to bring some

light into that sea of darkness. He holds his church out as a place where people can gather, where people can learn. He is trying to build a school. He has never let up on his belief that the community can be a better place to live.

So I am delighted that we had a chance to hear from the Reverend Dr. Watley, and to wish him well and to commend to all of my colleagues in the Senate to take a minute, if they have not heard his prayer this morning, to read it.

I thank my colleague from Massachusetts once again for the courtesy extended to me.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Doctor, we welcome you, and we thank you for joining us here, and for that important ceremony.

We appreciate very much the remarks of the Senator from New Jersey.

## IMPROVING AMERICA'S SCHOOLS ACT OF 1993

MOTION TO PROCEED

Mr. KENNEDY. Mr. President, in a hopefully short period of time we will begin action on the reauthorization of the Elementary and Secondary Education Act.

It is not an overstatement to say this is the most important reauthorization in this legislation's history. Our Senate bill incorporates many of the excellent proposals sent to us by President Clinton, and it reshapes the manner in which the Federal Government supports public schools across the Nation. It authorizes $12.5 billion next year for support for local schools, and $60 billion over the next 5 years.

At the same time, the committee bill recognizes the need to simplify the current programs within the overall framework of the Goals 2000 education reform legislation that we enacted at the end of March.

At the heart of both Goals 2000 and the pending bill is one clear idea. American students—all students, including those with few advantages—can meet high standards of learning if we commit ourselves to the task and if all levels of government—Federal, State, and local—coordinate their efforts.

S. 1513 has broad, bipartisan support. It passed the Labor and Human Resources Committee on June 15 by a vote of 16 to 1. Since that time my colleagues and I have worked to incorporate changes important to both sides of the aisle. It is gratifying that in bringing this measure before the Senate, Senator PELL and I have the strong support of both Senators KASSEBAUM and JEFFORDS, and other Members who have made important contributions to the legislation.

Since the last reauthorization in 1988, over 20 reports on ESEA have been commissioned by the Department of Education. Five major independent studies have been completed. S. 1513 reflects nearly all the recommendations of those reports and commissions.

It also reflects what we were told by the witnesses at the 12 hearings we held on this measure in the Subcommittee on Education.

One of our most persuasive witnesses at the hearing was Gary Hocevar, a former State legislator who is now the principal of the Van Buren Middle School, an award-winning school that serves a very diverse group of students in Albuquerque, NM.

Mr. Hocevar, who is active in the National Urban Reform Network, told us:

> You have the opportunity to craft ESEA and other child-related initiatives in ways that actually support, rather than hinder, the day-to-day efforts of front line pioneers. * * * If you take this opportunity, our progress will be the mark of your success.

We have heard Mr. Hocevar and thousands of others across the country who are the frontline pioneers—principals and teachers charting a new course, working with students every day.

S. 1513 is based on six principles. First, schools should not hold disadvantaged students to a different, lower standard from the standard they apply to other students in their school. S. 1513 requires States to develop standards in at least reading and math for use by all students in the State, including title I students. We also require new assessments that measure the progress of students in reaching those standards, and these assessments have to be the same for everyone. The days of special, dumbed down tests for low-income pupils are over.

At the same time, we are not dictating to States what standards they should have and what tests they should use. Each State will develop their own performance standards and test students using a broad range of assessment tools.

Second, S. 1513 increases support for the schools that need it most. Without drastically reducing chapter 1 funding to affluent districts overnight, we target new money to the neediest schools so that they can undertake major reform projects. Research is very clear that low-income students attending schools with high concentrations of poverty learn the least. The committee formula weights students according to the concentration of poverty in their districts. With insufficient dollars available to serve all students, it is essential to serve those who need help the most.

Third, the bill recognizes that schools need more flexibility to consolidate funds from small programs so that they can design comprehensive, coherent reform plans. Today, Federal assistance under ESEA is splintered into dozens of different programs, each with its own limitations and requirements. As a result, it is difficult for Federal aid to be used to fund the kind of large-scale innovative programs that schools so urgently need.

The bill also amends the General Education Provisions Act to streamline the waiver process, so that it is easier for States and school districts to receive waivers from Federal regulations to carry out their reform plans and use Federal dollars more effectively.

In addition, under the bill, we will no longer have federally designed reporting requirements for title I. Instead, we allow States to differentiate themselves. Each State will choose or create its own assessment to measure the progress of its students. Each school district will use its State's assessment, but it can also add its own measurements if it chooses.

Fourth, we have amended chapter 1 so that more students will stay in their regular classrooms. Most chapter 1 programs pull students out of their regular classrooms to attend special supplemental courses.

This pull-out approach was intended to ensure that chapter 1 funds are targeted only to needy students. But it has also created a new kind of segregation in our schools, isolating disadvantaged students from their peers and condemning them to a second-class education.

While these students are attending special courses, they are missing the more interesting and demanding work their classmates are doing. Research indicates that disadvantaged students actually learn more effectively when they are held to the same high standards as all students.

S. 1513 changes the percentage of eligible students needed by a school in order to serve all the students in a school from 75 to 30 percent. Thirty percent is the point were research shows that the concentration of poverty affects student learning. To ensure accountability, to make sure that disadvantaged students are still helped, and to prevent the funds from going into swimming pools and sports equipment, we require schools to pull out the test results or title I eligible children, so that their parents and all of us can make sure they are being served and are making progress.

Fifth, the bill invests more in the Nation's teachers. It makes no sense to provide Federal aid for education, if we neglect the single most important component of any education program—the teaching.

The bill contains two main provisions for teacher development:

The Eisenhower Math and Science Program and the chapter II Block Grant Program become a new Eisenhower Professional Development Program authorized at $800 million a year. The funds will be available to each State and school district for professional development only.

Each school must set aside 10 percent of its title I funds for professional development activities. Teachers across the country have told us that they need time to work together and to find new ways to help students reach higher standards. This provision will guarantee that funds are available at the school level for them to do so.

We have also created a small demonstration program at the national level to enable the Secretary of Education to develop a few model programs for the organizational arrangements and investments that will be needed if higher standards and assessments are to lead to improved outcomes for all students. These demonstration projects will combine the preparation of new teachers with ongoing professional development activities in schools.

Sixth, the bill invests in education technology. New technology is transforming all sectors of our economy, from health care to manufacturing to retailing, yet most classrooms lack even a telephone, let alone a computer. If students are to acquire the skills they need in order to function effectively in today's high-technology workplace, we must give them the opportunity to work with technology in the classroom.

Title III of S. 1513 is the Education Technology Program that Senators BINGAMAN and COCHRAN and I sponsored to help the poorest schools pay for new computers, electronic network links, and teacher training in technology. It will provide technical assistance to the schools, and encourages development of new educational software and programming.

Finally, S. 1513 includes provisions that will make it easier for schools to coordinate health and social services for their students. If a local education district chooses, it can use title I funds for this purpose. Education can help offset poverty, but schools cannot do the job alone. They must have help from others in the community. Under this legislation, schools can use title I funds to make it easier for agencies and health centers to coordinate their efforts with schools, so that more students can be served.

The bill also places a great emphasis on making schools safe. It is our intention that funds in title V, the Safe and Drug Free Schools Act, be used for violence prevention as well as drug prevention. These two problems are often interconnected. By acknowledging that fact, we hope to give schools support for making classrooms more effective places in which to learn.

S. 1513 continues many specific programs designed for specific purposes and for particular students. Because of the budget freeze and the need to emphasize new approaches, the administration had proposed to eliminate many of these programs, even though some of them were very successful and served students well. Among those programs, for instance, are measures to increase the achievement of girls and women in our classrooms, the Woman's Educational Equity Program. Last week, I was very proud to be the Senator from Massachusetts, the State that was home to two of the six members of the victorious U.S. team in the International Mathematics Olympiad. Two of our students, Noam Shazeer from Swampscott and Jonathan Weinstein from Lexington each received a perfect score, and helped the United States to defeat students from 70 countries. Without detracting from their great achievement, I hope very soon we will have a Norah and a Jennifer on our team as well as Noam and Jonathan. The committee chose to preserve many of these programs, but we are continuing to explore various alternatives.

This legislation is among the most important measures this Congress will consider. Public education in America is in more trouble than any of us like to admit. A system that has served this country so well for so long needs far-reaching reform. Like health care reform, the challenge is complex, with no easy answer. The Improving America's Schools Act, S. 1513, is an important part of the answer.

Mr. President, finally, I hope that our colleagues will look at the totality of what we on our committee, in a bipartisan way, have tried to do in terms of the areas of education and investing in our children. We have extended the Head Start Program to provide help and assistance to expectant mothers. The extension of the Head Start Program of the zero to three will help those young individuals to begin to build some self assurance and self confidence and help them in terms of developing problem solving skills.

We have tried to bring about a greater flexibility in the chapter 1 program, give greater flexibility at the local level, and still try to balance and make sure the funding was going to be provided in the areas where there is the greatest need in terms of young children who are disadvantaged.

We also see our Goals 2000 to try and find a bottom-up forum with support coming from the top, so we are going to be able to get the education reform that is generated at the local level from the school and school districts that are really going to establish and raise that bar in terms of the education standards and challenge the young people in our country.

We have also seen that this is not unrelated to the Community Service Program that also is being developed within our school systems in terms of the Serve America Program that has the component of a program developed by students that has an educational component and also sees that the community can get the seed money in order that young people are going to be able to serve their community and try and help and assist many of their colleagues.

The Community Service Program, that is an outreach program, has many different features to it, but one of them is to try to route and enroll 400,000 young Americans who drop out of schools every year and be an additional kind of net to try to bring them back into the system, both in terms of their educational development and also in terms of the service to the community.

There the actions that we have taken at higher education to move toward the testing in terms of the direct loan program and also on a tuition contingency income payback to permit young people not just to be driven to the higher price or higher wage professions but also to be able to fulfill their own ideals if they do so want to be of service to the community and also the School-To-Work Program to try to help and assist those 65 percent of our young people who are moving out of high school to move them into the private sector and in a more competent way that will give them a greater opportunity in terms of the future.

All of these components really are part of a total kind of this Nation's commitment in terms of the investment in the children of this country, and this element in terms of the reauthorization of the chapter 1 program is a natural key element. It is really in many respects a building block because all of us have come to the recognition that the earlier kind of intervention and involvement is absolutely key in terms of the young people's development and evolution.

So this is an extraordinarily important piece of legislation. It is, as we have indicated, under the leadership of Chairman PELL in that subcommittee. It was virtually a unanimous vote of Republicans and Democrats alike. Now we had the strong bipartisan, the overwhelming majority of the Members of the committee, in reporting to this body.

So we all are grateful to our Members, grateful to the excellent work that so many of our staffs have provided, and I will mention more about that later as we move forward.

I certainly hope that we will move. I know that there are matters which will be debated. I am grateful for those Members who have indicated that they will offer amendments.

At the opening session now we are inviting those Members who will have amendments to notify us at the earliest possible time so that we can give them the consideration and try to work with those Members where possible to respond in a positive way, if possible, to recommendations and suggestions.

This has been an evolving process. We had evolution in the development

of the program in the subcommittee, in the full committee, and also great work prior to the time that we have reached the floor, a very constructive period of time that we have worked with our colleagues. And I am very, very hopeful that we can continue that spirit as we go on through the course of the debate.

I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the Senator from Massachusetts for the kind words, and my colleagues for permitting me to go ahead.

Mr. President, few things in life are more important than the education of our children. They are the living legacy we will leave behind, and the quality of the education we provide will in no small measure determine the future health and strength of the American Nation.

For over 29 years the Federal role in education has been a small, but extremely important one. We have sought through the title I Program, for example, to help fashion a level playing field upon which all children have the opportunity to learn. Our efforts have been focused, and targeted particularly upon the educational needs of children from less well off families.

In the past we have sought to ensure that children in need learn the basic skills they must have in order to function well in our society. Unfortunately, in today's society, as important as the mastery of basic skills is, it is not enough. We must make sure that children in need are taught to the same high academic and performance standards as other children. We must do what we can to ensure that American education, overall, is an education of excellence. In essence, that is the thrust of the reauthorization bill we have before us.

Early in the reauthorization hearings, I said from a Federal perspective, the Goals 2000 legislation set the stage for education reform, but the play would be acted out in this bill. I believe that statement when I originally made it, and I believe it to be even more true today.

This is a $12 billion reauthorization. In program after program, in provision after provision, we state in clear and unequivocal language that we expect all children to be taught to challenging State academic and performance standards. We expect new and better assessments that measure complex skills, emphasize written work, and serve important diagnostic purposes. Forty-four States are already putting such standards and assessments into effect, and others would undoubtedly soon follow.

In short, we want American education to be an education of excellence and second to none in the world. Given the current state of American education, that is a massive undertaking. I believe deeply, however, that we should not and, indeed, cannot shy away from that challenge. The education of our children demands that we do no less.

While we expect all children to learn to challenging State academic and performance standards, our concern at the Federal level is that children who are less well off also do well and do not get lost in the shuffle. This is a special Federal responsibility. While the Federal contribution to education is small, its contribution to the education of poor children is very significant. It may be only 62 percent, but it has a very real impact. Today, over two-thirds of all of the money spent on compensatory education for poor children comes from the Federal Government.

In some areas, such as dropout prevention, bilingual education, magnet schools, gifted and talented education, and women's educational equity, we focus on special populations, but we do so within the context of high expectations of all children. In other areas, such as professional development, safe and drug free schools, and educational technology, our concern is an overarching one. We want the school to be a safe haven for learning, one in which teachers and staff are constantly upgrading their skills and knowledge, and one where all have access to and an understanding of state-of-the-art methods of learning.

Throughout this legislation we also place a new emphasis on involving parents in the education of their children. Parents need professional development as much as teachers and staff do. We must have ways of more effectively involving the parent in education. Sometimes this will mean helping the parent learn. At other times, it will mean showing the parent how they can help their children learn. Often it will mean bringing the parent to the school in conferences with teachers and staff. Sometimes it will mean bringing teachers and staff to the home to meet and confer with parents. But no matter what, I believe we all agree that more intensive parental involvement in education is an absolute necessity.

We also focus upon several special areas where we believe there is considerable merit for special programs. Through Arts in Education and the Cultural Partnerships for At-Risk Youth, we seek to bring the rich benefits of the arts and humanities into our children's education. Through "We the People," "Close-Up," and the mock-student parent election, we seek to improve the understanding of our system of Government and how it works. Through professional development we seek to improve the quality of the teaching, administrative and support staff in every school in America.

In no area is our work more important than in title I, by far the most important program in this reauthorization bill. Here we seek to ensure that high academic and performance standards are brought to all children, but we pay special attention to making sure that less well off children, the very children who have been the focus of this program since its inception 29 years ago, receive the same high quality instruction as other children.

In title I we also include a special emphasis on professional development because we recognize that a good, strong education relies upon good teachers and staff, and the meaningful involvement of parents.

We also target funds more precisely than we have ever done before to make sure that those districts and schools that need the help most get that help from the outset.

We not only make adjustments to the Orshansky formula but also add new incentives linked to effort and equity. The effort incentive recognizes States that place high priority on education. The equity incentive, which grew out of the school finance hearings held by the subcommittee, recognizes States that have brought an important measure of equity to their education spending.

I would be the first to admit that the formula is not perfect. It is, however, well-balanced and I believe fair. No State loses, and while some States may gain more than others, the gains are reasonable and justifiable.

In State after State, in district after district, and in school after school, the winds of education reform are sweeping our country. What we have sought to do in this legislation is fashion Federal programs that spur, respond to, and aid reform. Equally important, we have sought to accomplish our objectives under the umbrella of bipartisanship that has traditionally been the hallmark of education legislation. This legislation has been approved by both the Education Subcommittee and the full Committee on Labor and Human Resources with only one vote in opposition.

Mr. President, all Members of this Chamber share a common concern—we care deeply about the education of our children. That concern is the hallmark of this legislation, and because of that, I believe it merits swift consideration and passage.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, as I stated earlier, I have given notice over several weeks, in writing and orally here on the Senate floor and printed in the CONGRESSIONAL RECORD, that we would be proceeding to this bill during this period of time.

Last evening, I expressed my intention to attempt to proceed to the bill

at 9 a.m. this morning. I was then asked by our Republican colleagues to wait until 9:30, to accommodate a Republican Senator. I agreed to do so.

At 9:30, I was then asked again by our Republican colleagues to wait until 10 to accommodate a Republican Senator. I agreed to do so.

It is now 10 past 10 and I have just been advised that we can have no assurance as to any time on this matter. Therefore, we are in a position of not being able to proceed to the matter because of a delay and I can have no assurance as to the period of that delay; that is to say, I am told there is going to be, apparently, an indefinite delay.

Therefore, I have no alternative but to do that which I indicated earlier I would do.

I will shortly suggest the absence of a quorum. I will then ask for a recorded vote on a motion to have the Sergeant at Arms request the presence of absent Senators. And I will, as soon as I can get the signatures on a motion, file cloture to bring this to a close.

We have to have this matter resolved one way or the other. We are now in a position of doing nothing and we cannot get any assurance as to when we may be able to do something.

Therefore, under the circumstances, no alternative is left to me but to proceed in the manner which I have suggested.

I will state that after the vote on the motion to request the presence of absent Senators, if no one is here debating the motion and in effect filibustering, then we are going to have the Chair put the question. I want every Senator to have ample notice of that before acting in that regard.

So, as soon as the vote on the motion to proceed is over, if no Senator is present to filibuster, then we are going to have the motion put.

## QUORUM CALL

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

| | | |
|---|---|---|
| Jeffords | Kohl | Pell |
| Kassebaum | McCain | |
| Kennedy | Mitchell | |

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. MITCHELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Idaho [Mr. CRAIG] is necessarily absent.

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

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—77

| | | |
|---|---|---|
| Akaka | Exon | Mathews |
| Baucus | Feingold | Metzenbaum |
| Biden | Feinstein | Mikulski |
| Bingaman | Ford | Mitchell |
| Bond | Glenn | Moynihan |
| Boren | Gorton | Murray |
| Boxer | Graham | Nunn |
| Bradley | Gregg | Packwood |
| Bryan | Hatch | Pell |
| Bumpers | Hatfield | Pryor |
| Burns | Heflin | Reid |
| Byrd | Hollings | Riegle |
| Campbell | Hutchison | Robb |
| Chafee | Inouye | Rockefeller |
| Coats | Jeffords | Roth |
| Cochran | Johnston | Sarbanes |
| Cohen | Kassebaum | Sasser |
| Conrad | Kennedy | Shelby |
| Coverdell | Kerrey | Simon |
| Danforth | Kerry | Simpson |
| Daschle | Kohl | Stevens |
| DeConcini | Lautenberg | Thurmond |
| Dole | Leahy | Warner |
| Domenici | Levin | Wellstone |
| Dorgan | Lieberman | Wofford |
| Durenberger | Lugar | |

NAYS—20

| | | |
|---|---|---|
| Bennett | Helms | Murkowski |
| Breaux | Kempthorne | Nickles |
| Brown | Lott | Pressler |
| D'Amato | Mack | Smith |
| Faircloth | McCain | Specter |
| Gramm | McConnell | Wallop |
| Grassley | Moseley-Braun | |

NOT VOTING—3

| | | |
|---|---|---|
| Craig | Dodd | Harkin |

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. MITCHELL. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. We cannot proceed until the Senate is in order. Conversations will cease.

The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 1513.

Mr. HELMS. Mr. President, I cannot hear.

The PRESIDING OFFICER. S. 1513.

Mr. HELMS. I suggest the absence of a quorum until you can get order.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on the motion to proceed. Is there debate?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, we are in the process of debating a motion to proceed to a bill which, obviously, is an important bill. Clearly, it is a bill in which many Members of the Senate are interested. But it seems to me that there are a lot of other issues that are more important.

When we have a great debate going on in the country on health care, when we have buses running up and down the road urging people to support the President's health care plan, and when people ask, "Well, which health care plan?" and supporters of the President's plan say, "Well, not the old health care plan, but a new health care plan"—yet there is no new health care plan—it seems to me, Mr. President, that we have reached the point where we are no longer talking about a health care debate; we are talking about an agenda. And the agenda, it seems to me, is to pass any health care bill rather than trying to deal with a specific set of problems.

The point I wanted to make today, while everybody is deciding what they are going to do about the education bill, is the following: before we all get into a political debate, I think it is very important that we define what we are trying to do.

I think it is very important that if the President, who has a bunch of people in my State today going in all kinds of directions but generally in circles, wants to ask people to vote for his new health care plan, even though the American people in overwhelming numbers have rejected the old health care plan, I think it is incumbent on the President to tell people what this new health care plan is. How does it treat working Americans? Does it force people to give up their health insurance and to buy health insurance through a Government-run cooperative? What does it do in terms of taxes? Does it tax health insurance benefits, as the Finance Committee bill does?

As many of my colleagues are aware—and I am not sure all are—the

Senate Finance Committee bill imposes two new taxes on health insurance benefits; one, an across-the-board tax that will tax every premium paid by every American for private health insurance, and then another tax, a 25 percent tax, that will be imposed on the 40 percent of American families that have the best private health insurance.

Mr. WALLOP. Will the Senator yield for a question?

Mr. GRAMM. I will be happy to yield.

Mr. WALLOP. I noted that the Senator referred to the Senate Finance Committee bill. Has that finally been reduced to print so that other people can see it, or are we still talking about this fantasy that was marked up in the Finance Committee and turned over to the staff to turn into bill language while we went on a holiday, and now that is not going to be any good because we are told that the majority leader and others are crafting a bill behind closed doors in secret? Has the Senator seen a plan, a bill from the Finance Committee?

Mr. GRAMM. Well, the distinguished Senator is a member of the Finance Committee.

Mr. WALLOP. That is why I asked, because I have not seen it.

Mr. GRAMM. I do not have the privilege to serve on that committee, and therefore I did not have an opportunity to see if in fact there was real language. I had heard that there might be a bill, though according to press reports, it looks as if the committee just voted on concepts.

My point is this: We cannot enact concepts. We have to debate what the President proposes. We have people running up and down the highway in buses saying, "Vote for the President's health care plan," yet the President cannot tell us what the plan is. When the President has had a year and a half to convince the American people that his health care plan was good, he cannot claim he failed because he did not have a big megaphone. He has not failed because he is not a great salesman. He has not failed because the First Lady is not a great saleslady. He has failed because he has a bad product. He has failed because he has been unable to convince the 85 percent of Americans who have private health insurance that they should lose their health insurance and be forced to buy health care through a Government-run collective in order to help the 15 percent who do not have it.

My point is this——

Mr. WALLOP. Will the Senator yield for one last question?

Mr. GRAMM. I will be happy to yield.

Mr. WALLOP. If it does in the course of the day or sometime soon happen to befall to the Senator that he comes across the Senate Finance Committee plan in bill language, I would hope the Senator would share it with the rest of the Senate. We are going to be asked to go to debate next week and we have not the foggiest notion what we are going to debate, except the bill we are being asked to debate is being crafted behind closed doors.

A seventh of the American economy is being crafted behind closed doors, in secret, and we are going to be asked to make decisions that affect the lives and times of individual Americans, groups of Americans, elderly Americans, young Americans, healthy and infirm, without having the foggiest notion what that is.

The Finance Committee does not have a bill, and if the Senator comes across it, share it with the Nation, because most of us are going to want to have something upon which to run our debate.

Mr. GRAMM. I would like to say, Mr. President——

Mr. KENNEDY. Will the Senator yield for a question?

Mr. GRAMM. I would be happy to yield.

Mr. KENNEDY. Just as a point of information. We have this legislation that was reported out 16 to 1, bipartisan, and it is enormously important to the school children in this country. I see a number of my colleagues on the Judiciary Committee, of which I am a member, that are now in the process of marking up the crime bill, as well as on the Armed Services Committee, that are present here. They were interested in addressing the issues which, hopefully, we will have before the Senate.

I am just wondering, inquiring of the Senator from Texas, whether he is going to permit us to get about the business which has been outlined by the majority leader, to permit us to begin the debate on the elementary and secondary education program which has bipartisan support.

Just as a matter of inquiry, I am wondering whether the Senator is prepared to proceed.

I would ask the majority leader and minority leader to designate some time, obviously, and, as he always has, to permit general comments on legislation and on the legislative agenda. But I am just wondering, since the principals are here, Senator KASSEBAUM and Senator JEFFORDS, who are cosponsors in support of the legislation, have not been able to speak to the legislation that we hope to address—Senator PELL and I have—just in the order of things I would like, as a point of information and courtesy to Members on both sides, to have some idea as to what the intentions of the Senator are.

Mr. GRAMM. Let me say to the distinguished chairman, I do not have a dog in this fight. I had understood there was an objection to proceeding to the bill. We have had a real dearth of morning business. Since we have all these bus riders pushing the President's plan—I hope they are buying Texas gasoline—I am getting all kinds of calls from my State from people asking what I think of the President's new bill. And I simply wanted to take this opportunity, while I assumed others were working out your problem, to express my concern that I am being asked to engage in a debate on a bill that I have not had an opportunity to see, and no one else has had an opportunity to see.

I was simply expressing, No. 1, frustration, and, number two, a growing conviction that what we have here is not a health care plan but an agenda. And the agenda is basically to try to pass any health bill because the President has gotten so far out on the limb on this issue. While it is clear that his initial idea has been rejected, rather than saying, well, maybe we ought to rethink this thing, maybe we ought to go back and look at some other ideas, and maybe we ought to come back next year and have a real debate on a real bill, what we are seeing is the promotion of an agenda.

Now, that is the point I wanted to make. But I do not have a dog in the fight on this bill. I just assumed others were negotiating, and since we have not had any morning business, I was simply trying to take this time, assuming others were working out your problem. But I am not your problem.

Mr. MITCHELL addressed the Chair.

Mr. STEVENS. Will the Senator yield?

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. STEVENS. Does the Senator have the floor?

Mr. MITCHELL. Mr. President, there are no other negotiations, so the Senator's assumption is incorrect. And if he is not trying to delay this bill, might I ask if he would permit us to have a vote on the motion to proceed, and I will then ask unanimous consent that he can speak for 10 minutes on whatever subject he wants.

Mr. GRAMM. Mr. President, I do not object to a vote on the motion to proceed. I assumed that we had negotiations underway, and I simply was trying to speak on this subject.

Did the Senator from Alaska want me to yield for a question?

Mr. STEVENS. I would be pleased to be recognized in my own right before we are through.

Mr. MITCHELL. The Senator has that right.

Let me make clear, Mr. President, we are trying to begin debate on the elementary and secondary education bill. It was reported out of the committee by a vote of 16 to 1. I have given notice over several weeks of our intention to proceed to the bill.

We are being prevented from doing so by Senators who have objected to our bringing the bill up. We now have a motion to proceed to that bill before

the Senate. We will have a vote on it when Senators are prepared to do so. These talks merely delay the vote on it. Whether it is intentional or not, I do not know. That is the effect of the debate now going on.

Senators do have a right to debate it, of course, if they wish to do so. That is their right. But what it does is it prevents us from proceeding to the bill. It also prevents us from acting on other cases. The Senate is spending hours in the morning doing nothing other than delaying something, and then we have to be here in the evening voting. And Senators ask, "Why are we here in the evening?" Well, we are here in the evening because we are prevented from proceeding to legislate in the morning.

Certainly, Mr. President, the Senator from Alaska has the right, as does any Senator, to address the Senate on this matter.

Everyone should understand that we are now having a delay because of an objection by our colleagues to proceeding to the elementary and secondary education bill. I hope we can get to the vote on the motion to proceed promptly.

Mr. KENNEDY. Mr. President, I just remind our Members that even though there was an objection to proceeding, we were still moving the process ahead because we were addressing in the presentation the essential aspects of the bill.

I see Senator KASSEBAUM and Senator JEFFORDS, who I know want to address this as well. So the process was basically moving ahead as the objection, whatever that is, was going to be evaluated by those who are going to object to making some decision with leadership as to the manner in which we proceed.

So even though there has been some objection, we were at least moving the process of the debate and the discussion on this very, very important legislation.

So to the extent that Members can permit that process of the statements and comments prior to the time that the leader puts the question, I hope that we can have as much cooperation on this as possible.

I thank the Senator.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have not objected to taking up the education bill, and I do not intend to do so. I do want to make a comment.

We had arranged for a series of special orders this morning to speak on other subjects. When I got home very late last night, I found a notice that it had been canceled. Some of us are very disturbed about the process on the health care bill. I am one. I have spent several days, as a matter of fact, going over some notes and looking into the history of the catastrophic insurance bill that was passed and then repealed. I was prepared to make those comments.

I find, I think, on the part of some servants that we have here now, the fact that there is no regularity in really assigning the time for Senators to make short statements on subjects of great concern to us.

My State is probably more adversely affected by any of these health care bills than any other State. It is one-fifth the size of this Union, with about one person per square mile. When you look at that, and realize that over the last 3 years, we had a series of meetings in my State, and after all those meetings people asked me, "When you get the final version of the bill, will you come back and let us discuss that," that is the message I hope to present to the Senate when I get the time for a special order.

I am not going to do it now. But I do think we have to have some similarity in terms of when we can make statements on matters of great concern to our States.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, we are being asked to take up a bill with some 1,300 pages. The majority leader and the Senator from Massachusetts have just told us that this has been voted out, and has been—I think for 7 weeks—ready to go to the floor. That at least implies that Senators may have had a moment or two to look at it.

But the health care bill is going to be this size, Mr. President. We have not gotten it yet, and we are going to be asked to cram that in before an August recess. And it is going to affect more American lives than this will, and for a longer future than this will.

This is a very complex piece of legislation. I doubt that even its managers know each and every page of it. But at least it has been out for a time when people might have had an opportunity to examine it.

But the health care bill is being drafted behind closed doors. And it is going to be this size, and we are going to be asked to make judgments on behalf of the American people in a collapsed period of time, when Senators are anxious to go out and campaign, especially on that side, because of the trouble that is abroad in the land.

This is just not a very easy moment in time for us to understand why we are going to this when the health care bill continues to be promised and never shows up.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, I would like to answer the Senator from Wyoming for a moment, if I may. It is daunting to look at this bill. But let me just say almost half of it is the proposed administration bill which has been crossed out. And of course, this is now the committee substitute. So it is not quite as long as it might look, and you would need to go to page 452 before we start with the legislation under consideration.

Mr. WALLOP. The Senator makes my point; that I mean this is even shorter than the health care bill. We have 400 pages of it which are not relevant to us. But that still leaves 900 pages that are. I am saying that it has at least been around for 7 weeks, according to the majority leader. We would have at least less of an excuse for being daunted by it than we will by being daunted by a health care bill which is going to flop on our desks on Monday morning or Friday night, or some other day, and we will be asked to consider it. And it will have, I believe, far, far more effect on the lives of ordinary Americans, middle class and others, should that take place.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, all I would say to the Senator from Wyoming, and to others who are listening, is that the committee spent a lot of time looking at the reauthorization of the Elementary and Secondary Education Act, which has been in effect for some 30 years. I do not want to compare it to health care. That is not what I am engaged in at this moment.

Mr. WALLOP. May I say I am not comparing it to health care. I am comparing it to the process by which we are about to proceed. I am not standing in the way. I am perfectly willing to let us go to a vote.

But I will say, in answer to the Senator from Alaska, that one of the reasons these kinds of procedures are necessary is, frankly, because we were denied the opportunity to speak in normal routine morning business this morning, when that had been the view that some of us had before we went to bed last night.

The PRESIDING OFFICER. Is there further debate?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. 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. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I am going to make some remarks that I would have made this morning had

there been a period for morning business. But I left here I believe when the distinguished manager of the preceding bill left. He and I were under the impression that there would be an opportunity to speak this morning. Then, when I checked the situation with respect to today's schedule, I found that there would be no time for morning business.

(Mr. ROBB assumed the chair.)

The majority leader is doing exactly what he said he would do for the record at the close of business yesterday. I am not concerned about that. But there were several of us who wished to talk about the health care matter. I had not proposed yesterday to speak long this morning, and I shall not. But I did want to make the point that in the debate thus far on health care reform, one solution has been given extremely short shrift. This is a solution that many businesses have already successfully used to keep their health care costs down and their employee satisfaction up. Of course, I am referring to giving individuals an incentive to spend health care dollars wisely. How is this being accomplished in many places across this country today? How do you accomplish it? You turn part of the savings over to the employees.

I know personally of several private companies that have used cash incentives and medical savings accounts to cut their health care costs while keeping employees satisfied with their health care.

One company that successfully has used this kind of incentive-based program cut its health care costs significantly. In 1992, Forbes magazine was spending $2.3 million a year for health care insurance from CIGNA. This averaged about $5,000 per employee. In an attempt to make employees more cost conscious, Malcolm Forbes, Jr.—better known to those of us who are his friends and claim him as our friend as Steve Forbes—decided to give his employees a bonus for not filing major medical and dental claims.

Steve Forbes brought the choice to his employees. If, during the year an employee kept to a minimum the number of claims filed with the insurance company, Forbes would pay the employee a bonus of up to $1,200. Employees enthusiastically embraced this plan, and what do you know—insurance claims dropped dramatically. This year, while the premiums for other CIGNA clients rose between 21 and 25 percent Forbes' major medical premiums fell 17.6 percent.

Back in April, I invited Steve Forbes to come to Charlotte, North Carolina and meet with about 400 businessmen at a luncheon. I asked him to discuss, among other things, that health care plan operated by his company. And I know of 350 or 400 businessmen who are solidly sold on this plan because they now know that the lesson learned from the Forbes example is that people can control their health spending if they get to keep the savings. It is pretty good discipline on the insurance companies as well. Of course, those who are really sick filed the necessary claims, and they received less of a bonus. Those who decide to pay out of pocket for routine health expenses rather than file claims—and that is a lot of paperwork—these people get the bonus at the end of the year that I referred to earlier.

So one of the things that ought to be injected into this discussion about health care—instead of running all over the country in buses—is consideration to this kind of common sense solution. All I have heard is a series of invectives accusing those of us asking questions as being "better off" in health care. Well, I will say to Mrs. Clinton that we have the same health care that she and the President have. I do not believe she would turn any of hers down, and I have not heard of the President turning any of his down.

But in the case of a Forbes company employee who regularly needs four different prescriptions filled, this has happened. As a result of Forbes' bonus program, this employee now has a reason to shop around for the best price for prescriptions. Before, he did not care. He did not give a hoot about how much a prescription cost because insurance paid for it. We all know that when insurance pays for every nickel and dime claim, we all pay in the form of higher insurance premiums—and lower wages, by the way.

Forbes is not the only company to benefit from an incentive-based program. Dominion Resources, which is a public utility very much in the news these days, is a public utility holding company in Richmond, VA. That company has also developed an innovative method of reducing its health care expenses. This method is called a medical savings account.

Here is how this MSA works: The employer—in this case Dominion Resources—buys its employees a health insurance policy with a high deductible.

This kind of policy has two beneficial aspects:

One is that it protects the insured against catastrophic health care expenses.

Second, it has cheaper insurance premiums because of the higher deductible.

The employer sets up a special account for each employee to pay for routine medical bills that the employee will now handle on his or her own. What the employee does not spend in this account, he or she gets to keep. This incentive encouraged 75 percent—three out of every four—of Dominion's employees to enroll in that high-deductible plan.

Guess what? Since 1990, Dominion's health care costs have risen less than 1 percent per year.

So, Mr. President, a lot of us are weary of hearing that the American people are not smart enough to spend their own money.

These two examples out of many prove that the employees are smart when given an opportunity, when given a choice.

It is tiresome to continue to hear this old "Government knows best" routine: We have to do this. We have to mandate that. We have to demand this. The President says that Government can make better health care decisions than the American people can, and I do not believe that.

Americans do not need a Government commission to make health care choices for them. Individuals should be free to make their own health care decisions, and any legislation that is passed by this Senate jolly well better give the beneficiaries a choice instead of saying, "You are mandated to do 'x,' 'y,' or 'z'."

If we ensure freedom of choice, Americans can determine what is best for their families.

Now, the Forbes case and the Dominion Resources case, as I say, are only two examples of private industry taking the bull by the horns and coming up with health care solutions that work. These incentive-based solutions work for the company and they work for the employees. Gerald Musgrave, an economist, had this comment.

He said:

> We have thousands of years of experience with how people handle their own money.

Why not let Americans continue to handle their own health care dollars and help them realize their role in cost savings. Time and time again, Americans have shown that they do make cost-conscious health care decisions when given a financial incentive to do so.

Mr. President, I ask unanimous consent that a recent Reader's Digest article further detailing both the Forbes and the Dominion Resources solutions to the high cost of health care be printed in the RECORD.

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

HERE'S HEALTH-CARE REFORM THAT WORKS

(By Rachel Wildavsky)

Each year the typical American business spends a whopping 12 percent more than it spent the year before to buy health insurance for its employees. No wonder employees—even those who are now well covered—are nervous. Will I still be covered in ten years? What happens if I lose my job?

One result is "job-lock"—employees who are not able to quit because they fear becoming uninsured. Meanwhile, U.S. businesses struggle under the insurance load, severely handicapped in increasingly competitive world markets. Employees are paid less, laid off or not hired in the first place. The result?

A loss of both jobs and opportunity for millions.

To many, rising health-care costs seem like an unstoppable upward spiral. Provoked by these fears, the Clinton Administration is drafting legislation to control costs through radical changes in the system, despite evidence that our health care remains the best and most versatile in the world.

Is such drastic change really necessary? Without any changes in the law, some companies have stepped off the health-care escalator, with no loss to their employees and even with some employee gain. Before we let the government take control of our health-care spending, we need to understand the solid, easy concept that worked for these businesses. If more broadly applied, the idea they used on a small scale could help rescue American health care from possibly dangerous "reforms." In the process, it could save big money and help expand health coverage to those now without coverage.

Cash Incentives.—At Forbes magazine, as at most businesses, major-medical insurance premiums are based in part on company claims submitted the year before. By the mid-1980s, a "good" year meant premiums rose only ten percent. In 1990, a bad year, they were up 30 percent. By January 1992 Forbes was paying $2.3 million a year for health insurance—almost $5000 per employee. Even though employees chipped in through payroll deductions, Malcolm S. Forbes, Jr., president and editor-in-chief of the family-owned business magazine, realized the situation couldn't continue.

Forbes knew he had to persuade employees to be more cost-conscious. The problem was that they had no incentive to do so. Like most Americans, their health care was paid for on a "use it or lose it" basis. There was no reason for an employee to make the effort to spend health-care dollars more carefully. So, Forbes figured, why not give employees a bonus for not filing major-medical and dental claims? Such a plan would hurt no one—health insurance would still be there. Sick employees could still use it, and he knew they should and would. The only penalty would be not getting the bonus.

In December 1991 Forbes offered its employees a deal: if, during the year, an employee filed major-medical and dental claims totaling less than $500, Forbes would pay that person double the difference between $500 and what the individual filed. Suppose an employee and his family had $900 in medical expenses. If the employee filed them, the most the insurer could reimburse him would be $900 minus his deductible and co-payments (the portion of the bill the employee is responsible for beyond the deductible). He would be out a few hundred dollars, and since his claims were over $500, Forbes would pay him nothing.

However, if he filed no claims for those expenses, Forbes would give him $1000. (Five hundred dollars minus zero, for no claims, comes to $500; doubled, that $1000). This would put the employee $100 ahead even after he paid his bills. To hammer the incentive home, Forbes would pay whatever taxes the employee owed on the bonus.

In other ways, employee's costs rose. Deductibles, for instance, came up from a maximum of $300 to one percent of the employee's gross salary. Employees' contributions to their premiums also rose slightly.

Still, the staff at Forbes enthusiastically embraced the plan, and claims plummeted. In 1991 the company's insurer, CIGNA, reimbursed Forbes employees $1,427,895 for medical and dental expenses. In 1992 it paid them just $1,041,907—a reduction of $385,988 from the year before, or 23 percent less per person covered. In addition, CIGNA estimates that for each claims dollar, it spends eight cents on "administrative services." That means the insurer also saved about $30,000 on 1992 paper work because Forbes employees sent in fewer claims.

Because CIGNA saved, Forbes saved. Last year the plan cost the company about $125,000 in bonuses. But that was more than made up for by a $200,000 rebate that CIGNA paid to the magazine at the end of the year for saving it so much money. And this year, while premiums for other CIGNA clients rose between 21 and 25 percent, the magazine's major-medical premiums fell 17.6 percent, and its dental premiums dropped 29.7 percent.

Finally, because Forbes saved, its employees saved. For 1993 the magazine expanded its bonus program. Instead of paying employees double the difference between $500 and the claims they submit, Forbes will double the difference from $600. This means the maximum bonus that employees can earn will rise from $1,000 to $1,200.

The success of the Forbes idea provides two important lessons:

1. People can control their own health spending if they get to keep the savings. Susan Kern, an assistant in the magazine's advertising department, regulated her health-care spending last year, paying when she thought she could and using insurance when she knew she couldn't.

Hoping for the full $1,000 bonus, she started last year by paying her own bills for a bout of bronchitis. In October, though, she was hit with big medical expenses from a car accident and used her insurance. While she received no bonus this year, she hopes to earn one in the future.

Executive vice president Leon Yablon regularly fills four different prescriptions for himself and his wife. Now he has a reason to check prices. "Just last week, I filled something for $29 that cost $45 at another pharmacy," he says. "Before, who cared?"

2. Generous health insurance is not free. Without gold-plated policies, employers could pay workers more. Secretary Donna Hampton has filed "maybe one health-insurance claim" in her seven years with Forbes. Yet in that time, the company has spent thousands per year to insure her. She would have preferred the money—and with the bonus program, Hampton received a $1,000 check last year.

"You tend not to think of the real dollar cost of benefits," admits senior editor Bill Flanagan, another recipient of a $1,000 bonus. "But the more expensive health insurance is for the company, the more expensive it is for everybody."

Sharing the Wealth.—Other companies, too, are cutting costs with the same concept: employees keep what they save on health care.

In 1991 Dominion Resources, a public-utility holding company in Richmond, Va., announced that if its 1992 health-care expenses came in under budget, it would share the surplus with employees who helped hold costs down. At year's end, expenses were 31 percent under budget. Each employee whose medical claims were below his deductible got a check for $794.

Another innovation helps keep Dominion's health-care expenses low: incentives to employees to choose high deductibles. Individuals with high deductibles handle routine expenses on their own. For that reason, high-deductible policies are cheap to buy. But because companies subsidize premiums, employees naturally prefer low-deductible policies.

Dominion solves this problem by offering three health plans with deductibles ranging from $200 to $1500 for an individual and $600 to $3000 for a family. Dominion contributes the same amount toward each employee's premium, no matter which plan he selects. Employees who choose more expensive low- and middle-deductible plans must pay more to make up the difference.

Dominion offers a special feature to help employees see that the money they save with high deductibles is their own. Says vice president Ken Davis, "We'll take what they save on premiums and automatically deposit it in a savings account." These incentives have helped encourage 75 percent of Dominion's employees to enroll in the high-deductible plan. And Dominion's health-care costs have risen less than one percent per year since 1990.

The Pittston Company of Stamford, Conn., goes even further to ease the bite of high deductibles: it sweetens the pot. Twice a year each employee gets a $500 check to help cover the costs of medical bills. Whatever part of that check the employee doesn't spend on health care, he pays taxes on and keeps. If an employee's semi-annual expenses exceed $500, the company's health insurance will pay the rest.

President Gerald R. Spindler says it is too soon for the self-insured company to know for sure that costs are down, but the early results are "encouraging." Employee-relations director Ed Cox knows why. "Before, people had no incentive not to go to the doctor," he says. "Now, if they don't, they keep the money."

For four years Knox Semiconductor, Inc., of Rockport, Maine, has had an insurance plan called "Health Wealth," which is marketed by Progress Sharing Co., an insurance broker in Saco, Maine. Under the plan, Knox raised employees' deductibles and co-payments, lowering its premium costs. It then put the money saved into a mutual-fund account for each employee. Employees—who make matching contributions—can use the money in their accounts to pay for their deductibles and co-payments. If they don't, they can pay taxes on the money and keep it. Knox has had just one rate increase of six percent in the past four years. The 32-employee firm has saved over $100,000.

Tax Relief.—Each of these employers saves money by letting employees keep some of the health dollars they save. But, limited by current law, employers will offer only enough cash to affect relatively small medical expenses. Some lawmakers hope to change U.S. tax law to make the concept go further. The idea is called a medical IRA or a "medical savings account" (MSA). Legislators have drafted a variety of MSA bills. Here's how most would work:

An employer would buy its employees a health-insurance policy with a high deductible. The company would also set up an account for each employee to pay for the medical bills that he would now handle on his own. If the deductible was $3000, the employer might put $3000 into each employee's account every year. Advocates of MSAs say in most areas, high-deductible policies are so cheap that employers could easily fund employee accounts out of their premium savings, sometimes even with money to spare.

The money in each employee's account would belong to the employee. If the person was healthy and didn't need to spend it, he could keep it. Each year the employer would

add more. And because only about ten percent of American families spend more than $3000 on health care each year, most accounts would grow.

So far, it sounds like what Pittston and Knox Semiconductor have done. The crucial difference? MSAs would grow tax-free from year to year, as long as they withdrew money only for medical expenses. If an MSA-owner moved to another job, he could take the account to this next position. If he lacked insurance between jobs, he could draw on the account to pay medical bills or to buy insurance.

For catastrophic medical problems, patients will always need insurance or Medicare. But MSA advocates say without taxes and with their incentives to save, the accounts could accumulate substantial cash. That would let patients use cheap, catastrophe-only policies and pay most medical bills the most efficient way: by themselves.

When finally retired, the former employee could use the money left in that account to supplement Medicare coverage, either by buying more insurance or by paying medical bills out-of-pocket. If he chose not to spend the money on health care, he could use it—after finally paying taxes—for whatever he wanted.

The idea behind MSAs is the same as that behind the health insurance plans at Forbes, Dominion Resources and other companies: when possible, let employees keep the money they choose not to spend on health care. "If that were permitted, people would spend more rationally," says economist Gerald Musgrave of Economics America, a consulting firm based in Ann Arbor, Mich. "We have thousands of years of experience with how people handle their own money."

Yet President Clinton's health-care plan probably won't offer patients this choice or many others. The Clinton plan, reported to cost at least $100 billion, would require all Americans to have the same coverage whether they wanted to pay for it or not.

Some Americans already have the opportunity to make rational health-care choices. If more had that chance, many weaknesses of our current system would be improved without risking what we cherish: high quality, choice and individual control. The idea of a free marketplace in health care has not failed; it has not fully been tried.

Mr. HELMS. Mr. President, that concludes my remarks.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. HELMS. Mr. President, I object for the time being.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The bill clerk continued the call of the roll.

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

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

## IMPROVING AMERICA'S SCHOOLS ACT

MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, is the pending question the motion to proceed to the education bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the motion to proceed to S. 1513?

If not, the question is on agreeing to the motion to proceed to the consideration of S. 1513. On this question, the yeas and nays have been ordered, and clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Iowa [Mr. HARKIN] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—98

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

NOT VOTING—2

| | |
|---|---|
| Harkin | Mikulski |

So the motion was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, on behalf of myself and Senator JEFFORDS, I send a series of bipartisan amendments to the desk and ask they be adopted en bloc and they be considered as original text.

## IMPROVING AMERICA's SCHOOLS ACT OF 1994

The PRESIDING OFFICER. The clerk will report the bill. As soon as the bill is reported, that unanimous-consent request will be addressed.

The assistant legislative clerk read as follows:

A bill (S. 1513) entitled the "Improving America's Schools Act of 1994".

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

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Improving America's Schools Act of 1994".*

***SEC. 2. ORGANIZATION OF THE ACT.***

*This Act is organized into the following titles:*

*TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965*

*TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT*

*TITLE III—AMENDMENTS TO OTHER ACTS*

*TITLE IV—MISCELLANEOUS*

*TITLE V—WORKERS TECHNOLOGY SKILL DEVELOPMENT*

***SEC. 3. EFFECTIVE DATES; TRANSITION.***

*(a) EFFECTIVE DATES.—*

*(1) TITLE I.—The amendment made by title I of this Act shall take effect July 1, 1995, except that those provisions of title I that apply to programs under part A of title IX of the Elementary and Secondary Education Act of 1965, as amended by this Act, and to programs under such Act that are conducted on a competitive basis, shall be effective with respect to appropriations for use under such programs for fiscal year 1995 and for subsequent fiscal years.*

*(2) TITLE II.—Title II of this Act and the amendments made by title II of this Act shall take effect on the date of enactment of this Act, except that section 250 of such title shall be effective—*

*(A) July 1, 1995 for noncompetitive programs in which funds are allocated on the basis of a formula; and*

*(B) for programs that are conducted on a competitive basis, with respect to appropriations for use under such programs in fiscal year 1995 and in subsequent fiscal years.*

*(3) TITLE III.—(A) Parts A and B of title III of this Act and the amendments made by such parts shall take effect on July 1, 1995.*

*(B) Part C of title III of this Act and the amendments made by such part shall take effect on October 1, 1994.*

*(b) TRANSITION.—Notwithstanding any other provision of law, a recipient of funds under the Elementary and Secondary Education Act of 1965, as such Act was in effect on the day preceding the date of enactment of this Act, may use funds available to such recipient under such predecessor authority to carry out necessary and reasonable planning and transition activities in order to ensure a smooth implementation of programs authorized by this Act.*

***TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965***

***SEC. 101. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.***

*The Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) is amended to read as follows:*

***"SECTION 1. SHORT TITLE.***

*"This Act may be cited as the 'Elementary and Secondary Education Act of 1965'.*

***"SEC. 2. TABLE OF CONTENTS.***

*"The table of contents for this Act is as follows:*


*"Sec. 1. Short title.*
*"Sec. 2. Table of contents.*

*"TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS*

*"Sec. 1001. Declaration of policy and statement of purpose.*
*"Sec. 1002. Authorization of appropriations.*

*"PART A—MAKING HIGH-POVERTY SCHOOLS WORK*

*"SUBPART 1—BASIC PROGRAM REQUIREMENTS*

*"Sec. 1111. State plans.*
*"Sec. 1112. Local educational agency plans.*
*"Sec. 1113. Eligible school attendance areas.*
*"Sec. 1114. Schoolwide programs.*
*"Sec. 1115. Targeted assistance schools.*
*"Sec. 1116. Parental involvement.*
*"Sec. 1117. Participation of children enrolled in private schools.*
*"Sec. 1118. Assessment and local educational agency and school improvement.*
*"Sec. 1119. State assistance for schools support and improvement.*
*"Sec. 1120. Fiscal requirements.*

*"SUBPART 2—ALLOCATIONS*

*"Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.*
*"Sec. 1122. Allocations to States.*
*"Sec. 1123. Grants to States.*
*"Sec. 1124. Within State allocations.*

*"PART B—TRANSITION TO SUCCESS*

*"Sec. 1201. Transition to success.*
*"Sec. 1202. Coordination requirements.*
*"Sec. 1203. Definitions.*

*"PART C—EVEN START FAMILY LITERACY PROGRAMS*

*"Sec. 1301. Statement of purpose.*
*"Sec. 1302. Program authorized.*
*"Sec. 1303. State programs.*
*"Sec. 1304. Uses of funds.*
*"Sec. 1305. Program elements.*
*"Sec. 1306. Eligible participants.*
*"Sec. 1307. Applications.*
*"Sec. 1308. Award of subgrants.*
*"Sec. 1309. Evaluation.*
*"Sec. 1310. Construction.*

*"PART D—EDUCATION OF MIGRATORY CHILDREN*

*"Sec. 1401. Program purpose.*
*"Sec. 1402. Program authorized.*
*"Sec. 1403. State allocations.*
*"Sec. 1404. State applications; services.*
*"Sec. 1405. Secretarial approval; peer review.*
*"Sec. 1406. Comprehensive needs assessment and service-delivery plan; authorized activities.*
*"Sec. 1407. Bypass.*
*"Sec. 1408. Coordination of migrant education activities.*

*"PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH*

*"Sec. 1501. Purpose; program authorized.*
*"Sec. 1502. Eligibility.*
*"Sec. 1503. Allocation of funds.*
*"Sec. 1504. State reallocation of funds.*
*"Sec. 1505. State plan and State agency applications.*
*"Sec. 1506. Use of funds.*
*"Sec. 1507. Institution-wide projects.*
*"Sec. 1508. Three-year projects.*
*"Sec. 1509. Program evaluations.*
*"Sec. 1510. Transition services.*
*"Sec. 1511. Definitions.*

*"PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS*

*"Sec. 1601. Evaluations.*
*"Sec. 1602. Demonstrations of innovative practices.*

*"PART G—GENERAL PROVISIONS*

*"Sec. 1701. Federal regulations.*
*"Sec. 1702. State administration.*
*"Sec. 1703. Construction.*

*"TITLE II—IMPROVING TEACHING AND LEARNING*

*"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM*

*"Sec. 2101. Findings.*
*"Sec. 2102. Purposes.*
*"Sec. 2103. Authorization of appropriations; allocation between subparts.*

*"SUBPART 1—FEDERAL ACTIVITIES*

*"Sec. 2111. Program authorized.*
*"Sec. 2112. Authorized activities.*
*"Sec. 2113. Eisenhower National Clearinghouse for Mathematics and Science Education.*
*"Sec. 2114. National Teacher Training Project.*

*"SUBPART 2—STATE AND LOCAL ACTIVITIES*

*"Sec. 2121. Program authorized.*
*"Sec. 2122. Allocation of funds.*
*"Sec. 2123. Within State allocations.*
*"Sec. 2124. Priority for professional development in mathematics and science.*
*"Sec. 2125. State applications.*
*"Sec. 2126. State level activities.*
*"Sec. 2127. Local educational agency applications.*
*"Sec. 2128. Local cost-sharing.*
*"Sec. 2129. Local allocation of funds and allowable activities.*
*"Sec. 2130. Higher education activities.*
*"Sec. 2131. Consortium requirement.*

*"SUBPART 3—PROFESSIONAL DEVELOPMENT DEMONSTRATION PROJECT*

*"Sec. 2141. Findings and purpose.*
*"Sec. 2142. Demonstration program authorized.*
*"Sec. 2143. Grants.*
*"Sec. 2144. Plan.*
*"Sec. 2145. Technical assistance.*
*"Sec. 2146. Matching funds.*

*"SUBPART 4—GENERAL PROVISIONS*

*"Sec. 2151. Reporting and accountability.*
*"Sec. 2152. Definitions.*

*"PART B—NATIONAL WRITING PROJECT*

*"Sec. 2201. Short title.*
*"Sec. 2202. Findings.*
*"Sec. 2203. National Writing Project.*

*"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS*

*"SUBPART 1—COMPREHENSIVE REGIONAL CENTERS*

*"Sec. 2301. Findings.*
*"Sec. 2302. Purpose.*
*"Sec. 2303. Program authorized.*
*"Sec. 2304. Eligible entities.*
*"Sec. 2305. Comprehensive regional centers.*
*"Sec. 2306. Information collection and evaluation.*
*"Sec. 2307. Transition.*
*"Sec. 2308. Authorization of appropriations.*

*"SUBPART 2—NATIONAL DIFFUSION NETWORK*

*"Sec. 2311. Program authorized.*
*"Sec. 2312. Authorization of appropriations.*

*"SUBPART 3—EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION CONSORTIUMS*

*"Sec. 2321. Program established.*
*"Sec. 2322. Use of funds.*
*"Sec. 2323. Application and review.*
*"Sec. 2324. Regional boards.*
*"Sec. 2325. Payments; Federal share; non-Federal share.*
*"Sec. 2326. Evaluation.*
*"Sec. 2327. Definitions.*
*"Sec. 2328. Authorization of appropriations.*

*"PART D—TERRITORIAL TEACHER TRAINING PROGRAM*

*"Sec. 2401. Territorial teacher training program.*

*"PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS*

*"Sec. 2501. Project authorized.*
*"Sec. 2502. Application required.*
*"Sec. 2503. Authorization of appropriations.*

*"TITLE III—TECHNOLOGY FOR EDUCATION*

*"Sec. 3001. Short title.*

*"PART A—EDUCATIONAL TECHNOLOGY FOR ALL STUDENTS*

*"Sec. 3111. Findings.*
*"Sec. 3112. Statement of purpose.*
*"Sec. 3113. Definitions.*

*"SUBPART 1—NATIONAL PROGRAMS IN TECHNOLOGY FOR EDUCATION*

*"Sec. 3121. Purposes.*
*"Sec. 3122. Federal leadership.*
*"Sec. 3123. Regional technical support and professional development.*
*"Sec. 3124. Educational technology product development.*
*"Sec. 3125. Research on educational applications of advanced technologies.*
*"Sec. 3126. High performance educational computing and telecommunications networks.*
*"Sec. 3127. Study, evaluation and report of funding alternatives.*

*"SUBPART 2—STATE AND LOCAL PROGRAMS FOR SCHOOL TECHNOLOGY RESOURCES, TECHNICAL SUPPORT, AND PROFESSIONAL DEVELOPMENT*

*"Sec. 3131. Statement of purpose.*
*"Sec. 3132. School technology resource grants.*

*"SUBPART 3—SPECIAL RULE APPLICABLE TO APPROPRIATIONS*

*"Sec. 3141. Special rule.*

*"PART B—STAR SCHOOLS PROGRAM*

*"Sec. 3201. Short title.*
*"Sec. 3202. Purpose.*
*"Sec. 3203. Grants authorized.*
*"Sec. 3204. Eligible telecommunications partnerships.*
*"Sec. 3205. Applications.*
*"Sec. 3206. Leadership and evaluation activities.*
*"Sec. 3207. Administrative provisions.*
*"Sec. 3208. Other assistance.*
*"Sec. 3209. Definitions.*

*"PART C—READY-TO-LEARN TELEVISION*

*"Sec. 3301. Ready-to-learn.*
*"Sec. 3302. Educational programming.*
*"Sec. 3303. Duties of Secretary.*
*"Sec. 3304. Applications.*
*"Sec. 3305. Reports and evaluation.*
*"Sec. 3306. Administrative costs.*
*"Sec. 3307. Definition.*
*"Sec. 3308. Authorization of appropriations.*

*"PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM*

*"Sec. 3401. Short title.*
*"Sec. 3402. Statement of purpose.*
*"Sec. 3403. Program authorized.*
*"Sec. 3404. Allotments of funds.*
*"Sec. 3405. State application.*
*"Sec. 3406. Local application.*
*"Sec. 3407. Program requirements.*
*"Sec. 3408. Federal administration.*
*"Sec. 3409. Authorization of appropriations.*

*"PART E—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES PROGRAM*

*"Sec. 3501. Program authorized.*

"Sec. 3502. Funding requirements.
"Sec. 3503. State plans.
"Sec. 3504. Distribution of allocation to local educational agencies.

"PART F—BUDDY SYSTEM COMPUTER EDUCATION

"Sec. 3601. Short title.
"Sec. 3602. Purpose.
"Sec. 3603. Grant authorization.
"Sec. 3604. Program requirements.
"Sec. 3605. Applications.
"Sec. 3606. Use of funds.
"Sec. 3607. Evaluation.
"Sec. 3608. Authorization of appropriations.

"TITLE IV—MAGNET SCHOOLS ASSISTANCE

"Sec. 4101. Findings.
"Sec. 4102. Statement of purpose.
"Sec. 4103. Program authorized.
"Sec. 4104. Definition.
"Sec. 4105. Eligibility.
"Sec. 4106. Applications and requirements.
"Sec. 4107. Priority.
"Sec. 4108. Use of funds.
"Sec. 4109. Prohibitions.
"Sec. 4110. Limitation on payments.
"Sec. 4111. Innovative programs.
"Sec. 4112. Authorization of appropriations; reservation.

"TITLE V—BETTER SCHOOLS FOR AMERICA

"PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"Sec. 5101. Findings.
"Sec. 5102. Purpose.
"Sec. 5103. Authorization of appropriations.

"SUBPART 1—STATE GRANTS FOR DRUG AND VIOLENCE PREVENTION PROGRAMS

"Sec. 5111. Reservations and allotments.
"Sec. 5112. State applications.
"Sec. 5113. State and local educational agency programs.
"Sec. 5114. Governor's programs.
"Sec. 5115. Local applications.
"Sec. 5116. Local drug and violence prevention programs.
"Sec. 5117. Evaluation and reporting.
"Sec. 5118. Programs for Hawaiian Natives.

"SUBPART 2—NATIONAL PROGRAMS

"Sec. 5121. Federal activities.
"Sec. 5122. Grants to institutions of higher education.

"SUBPART 3—GENERAL PROVISIONS

"Sec. 5131. Definitions.
"Sec. 5132. Materials.
"Sec. 5133. Prohibited uses of funds.

"PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS

"Sec. 5201. Short title.
"Sec. 5202. Purpose.
"Sec. 5203. Grants to local educational agencies.
"Sec. 5204. Application.
"Sec. 5205. Authorized activities.
"Sec. 5206. Distribution of assistance; limitation on costs.
"Sec. 5207. Reports.
"Sec. 5208. Authorization of appropriations.

"TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS

"PART A—BILINGUAL EDUCATION PROGRAMS

"Sec. 7101. Short title.
"Sec. 7102. Findings.
"Sec. 7103. Policy; authorization of appropriations.
"Sec. 7104. Definitions.
"Sec. 7105. Native American and Alaska Native children in school.

"SUBPART 1—FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION

"Sec. 7111. Financial assistance for bilingual education.

"SUBPART 2—RESEARCH AND EVALUATION

"Sec. 7121. Authority.
"Sec. 7122. Research.
"Sec. 7123. Academic excellence awards.
"Sec. 7124. State grant program.
"Sec. 7125. National Clearinghouse for Bilingual Education.
"Sec. 7126. Evaluations.

"SUBPART 3—PROFESSIONAL DEVELOPMENT

"Sec. 7131. Purpose.
"Sec. 7132. Professional development grants.
"Sec. 7133. Fellowships.
"Sec. 7134. Stipends.

"PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

"Sec. 7201. Short title.
"Sec. 7202. Findings.
"Sec. 7203. Program authorized.
"Sec. 7204. Applications.
"Sec. 7205. Authorization of appropriations.

"PART C—ADMINISTRATION

"Sec. 7301. Coordination with related programs.
"Sec. 7302. Report on bilingual education.
"Sec. 7303. State educational agency recommendations; peer review.

"PART D—SPECIAL RULE

"Sec. 7401. Special rule.

"TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE

"PART A—ARTS IN EDUCATION

"Sec. 8101. Support for arts education.

"PART B—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"Sec. 8151. Inexpensive book distribution program for reading motivation.

"PART C—PUBLIC CHARTER SCHOOLS

"Sec. 8201. Findings and purpose.
"Sec. 8202. Program authorized.
"Sec. 8203. Applications.
"Sec. 8204. Administration.
"Sec. 8205. Uses of funds.
"Sec. 8206. National activities.
"Sec. 8207. Definitions.
"Sec. 8208. Authorization of appropriations.

"PART D—CIVIC EDUCATION

"Sec. 8251. Instruction on the history and principles of democracy in the United States.
"Sec. 8252. Instruction in civics, government, and the law.
"Sec. 8253. Report; authorization of appropriations.

"PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM

"Sec. 8301. Findings.

"SUBPART 1—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL STUDENTS

"Sec. 8311. Establishment.
"Sec. 8312. Applications.

"SUBPART 2—PROGRAM FOR MIDDLE AND SECONDARY SCHOOL TEACHERS

"Sec. 8321. Establishment.
"Sec. 8322. Applications.

"SUBPART 3—PROGRAMS FOR RECENT IMMIGRANTS, STUDENTS OF MIGRANT PARENTS AND OLDER AMERICANS

"Sec. 8331. Establishment.
"Sec. 8332. Applications.

"SUBPART 4—GENERAL PROVISIONS

"Sec. 8341. Administrative provisions.
"Sec. 8342. Authorization of appropriations.

"PART F—GIFTED AND TALENTED CHILDREN

"Sec. 8401. Short title.
"Sec. 8402. Findings and purposes.
"Sec. 8403. Definitions; construction.
"Sec. 8404. Authorized programs.
"Sec. 8405. Program priorities.
"Sec. 8406. General provisions.
"Sec. 8407. Authorization of appropriations.

"PART G—WOMEN'S EDUCATIONAL EQUITY

"Sec. 8451. Short title; findings.
"Sec. 8452. Statement of purposes.
"Sec. 8453. Program authorized.
"Sec. 8454. Applications.
"Sec. 8455. Criteria and priorities.
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## "TITLE I—HELPING CHILDREN IN NEED MEET HIGH STANDARDS

### "SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF PURPOSE.

"(a) STATEMENT OF POLICY.—

"(1) IN GENERAL.—The Congress declares it to be the policy of the United States that a high-quality education for all individuals and a fair and equal opportunity to obtain that education are a societal good, are a moral imperative, and improve the life of every individual, because the quality of our individual lives ultimately depends on the quality of the lives of others.

"(2) ADDITIONAL POLICY.—The Congress further declares it to be the policy of the United States to expand the program authorized by this title over the fiscal years 1995 through 1999 by increasing funding for this title by at least $750,000,000 over baseline each fiscal year and thereby increasing the percentage of eligible children served in each fiscal year with the intent of serving all eligible children by fiscal year 2004.

"(b) RECOGNITION OF NEED.—The Congress recognizes that—

"(1) although the achievement gap between disadvantaged children and other children has been reduced by half over the past two decades, a sizable gap remains, and many segments of our society lack the opportunity to become well educated;

"(2) the most urgent need for educational improvement is in schools with high concentrations of children from low-income families and achieving the National Education Goals will not be possible without substantial improvement in such schools;

"(3) educational needs are particularly great for low-achieving children in our Nation's highest-poverty schools, children with limited-English proficiency, children of migrant workers, children with disabilities, Indian children, children who are neglected or delinquent, and young children and their parents who are in need of family-literacy services; and

"(4) in order for all students to master challenging standards in core academic subjects as described in the third National Education Goal described in section 102(3) of the Goals 2000:

*Educate America Act, students and schools will need to maximize the time spent on teaching and learning the core academic subjects, and students who receive pullout instruction at the expense of core academic subject learning time can fall further behind in learning the core academic subjects.*

*"(c) WHAT HAS BEEN LEARNED SINCE 1988.—To enable schools to provide all children a high-quality education, this title builds upon the following learned information:*

*"(1) All children can master challenging content and complex problem-solving skills. Research clearly shows that children, including low-achieving children, can succeed when expectations are high and all children are given the opportunity to learn challenging material.*

*"(2) Piecemeal reform, particularly when not tied to an overall vision of teaching to, and helping all children reach, high standards does not work.*

*"(3) Use of low-level tests that are not aligned with schools' curricula fails to provide adequate information about what children know and can do and encourages curricula and instruction that focus on low-level skills measured by those tests.*

*"(4) Resources are effective when children have full access to quality regular school programs and receive supplemental help through extended-time activities.*

*"(5) Intensive and sustained professional development for teachers and other school staff, focused on teaching and learning and on helping children attain high standards, is too often not provided.*

*"(6) All parents can contribute to their children's success by helping at home and becoming partners with teachers so that children can achieve high standards.*

*"(7) Decentralized decisionmaking is a key ingredient of systemic reform. Schools need the resources, flexibility, and authority to design and implement effective strategies for bringing their children to high levels of performance.*

*"(8) Opportunities for students to achieve to high standards can be enhanced through a variety of approaches such as public school choice and charter schools.*

*"(9) Attention to academics alone cannot ensure that all children will reach high standards. The health and other needs of children that affect learning are frequently unmet, particularly in high-poverty schools, thereby necessitating coordination of services to better meet children's needs.*

*"(10) Resources provided under this title have not been adequately targeted on the highest-poverty school districts and schools that have children most in need.*

*"(11) Equitable and sufficient resources, particularly as such resources relate to the quality of the teaching force, have an integral relationship to high student achievement.*

*"(d) STATEMENT OF PURPOSE.—The purpose of this title is to enable schools to provide opportunities for children served to acquire the same basic and advanced skills and knowledge as children not served under this title. This purpose shall be accomplished by—*

*"(1) ensuring high standards and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;*

*"(2) providing children an enriched and accelerated educational program, including, when appropriate, the use of the arts and humanities, through schoolwide programs or through additional services that increase the amount and quality of instructional time;*

*"(3) promoting schoolwide reform and access of children, from the earliest grades, to effective instructional strategies and challenging academic content that support intensive complex thinking and problem-solving experiences;*

*"(4) significantly upgrading the quality of instruction by providing staff in participating schools with substantial opportunities for ongoing professional development;*

*"(5) coordinating services under all parts of this title with each other, with other educational services, and, to the extent feasible, with health and social service programs funded from other sources;*

*"(6) affording parents meaningful opportunities to participate in the education of their children at home and at school;*

*"(7) distributing resources, in amounts sufficient to make a difference, to areas where needs are greatest;*

*"(8) improving accountability, as well as teaching and learning, by using State assessment systems designed to measure how well children served under this title are achieving high State student performance standards expected of all children;*

*"(9) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance; and*

*"(10) encouraging the development of innovative models for recruitment, induction, retention, and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups.*

***"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.***

*"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For the purpose of carrying out part A of this title, other than section 1117(e), there are authorized to be appropriated $7,500,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(b) EVEN START.—For the purpose of carrying out part C, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part D, there are authorized to be appropriated $310,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(d) EDUCATION FOR NEGLECTED OR DELINQUENT YOUTH.—For the purpose of carrying out part E, there are authorized to be appropriated $40,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1117(e), there are authorized to be appropriated $45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(f) FEDERAL ACTIVITIES.—*

*"(1) SECTION 1601.—For the purpose of carrying out section 1601, there are authorized to be appropriated $10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(2) SECTION 1602.—For the purpose of carrying out section 1602, there are authorized to be appropriated $20,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

***"PART A—MAKING HIGH-POVERTY SCHOOLS WORK***

***"Subpart 1—Basic Program Requirements***

***"SEC. 1111. STATE PLANS.***

*"(a) PLANS REQUIRED.—*

*"(1) IN GENERAL.—Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators, other staff, and parents, that satisfies the requirements of this section.*

*"(2) CONSOLIDATION PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidation plan under section 10302.*

*"(b) STANDARDS AND ASSESSMENT PROVISIONS.—*

*"(1) IN GENERAL.—(A) Each State plan shall describe—*

*"(i) the high-quality academic standards for all children that will be used by the State, its local educational agencies, and its schools in subjects, as determined by the State, to carry out this part, and for those subjects for which a State does not have standards and students are served under this part, describe a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children;*

*"(ii)(I) two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and*

*"(II) a third level, partially proficient, to provide complete information about the progress of the lower-performing children toward achieving to the proficient and advanced levels of performance; and*

*"(iii) the steps the State will take to help each local educational agency and school affected by the State plan develop the capacity to comply with each of the requirements of sections 1112(c)(3), 1114(b), and 1115(c) that is applicable to such agency or school.*

*"(B) If a State has State content standards or State student performance standards developed under title III of the Goals 2000: Educate America Act or an aligned set of assessments for all students developed under such title, or if not developed under such title, adopted under another process, the State shall use those standards and assessments, modified, if necessary, to conform with the requirements of paragraphs (1)(A)(i), (2), and (3).*

*"(C) If a State has not adopted State content standards and State student performance standards for all students, the State plan shall include a strategy for developing State content standards and State student performance standards for elementary and secondary school children served under this part in subjects as determined by the State, including at least mathematics, and reading or language arts, which standards shall include the same knowledge, skills, and levels of performance expected of all children, and for those subjects for which a State will not develop standards and students are served under this part, include a strategy for developing a process for ensuring that such students are taught the same knowledge and skills and held to the same expectations as all children.*

*"(2) ADEQUATE YEARLY PROGRESS.—(A) Each State plan shall include a description, based on assessments described under paragraph (3), of what constitutes adequate yearly progress of—*

*"(i) any school served under this part toward enabling all children to meet the State's student performance standards; and*

*"(ii) any local educational agency that receives funds under this part toward enabling all children within its jurisdiction to meet the State's student performance standards.*

*"(B) Adequate yearly progress under this paragraph shall be defined in a manner that results in continuous and substantial yearly improvement of each local educational agency and school sufficient to achieve the goal of all children served under this part meeting the State's advanced level of performance, particularly eligible children described in section 1115(b).*

*"(3) ASSESSMENTS.—Each State plan shall include a description of the set of high-quality, yearly student assessments, including at least one assessment in one grade in each school, that will be used as the primary means of determining the yearly performance of each local educational agency and school served under this*

*part in enabling all children served under this part to meet the State's student performance standards. Such assessments shall—*

*"(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;*

*"(B) be aligned with such State's content standards in subjects for which the State has developed standards in accordance with subparagraph (A) or (C) of paragraph (1);*

*"(C) involve multiple measures of student performance, including measures that assess higher order thinking skills and understanding;*

*"(D) provide for—*

*"(i) the participation in such assessments of all students with diverse learning needs; and*

*"(ii) the adaptations and accommodations necessary to permit such participation;*

*"(E) be used for the purposes for which they are valid and reliable and be consistent with relevant, nationally recognized professional and technical standards for such assessments, except that assessment measures that do not satisfy the requirements of this subparagraph may be included as one of the multiple measures;*

*"(F) be capable of providing coherent information about student attainments relative to the State content standards;*

*"(G) support effective curriculum and instruction;*

*"(H) provide individual student reports;*

*"(I) provide statistically reliable results for economically disadvantaged children disaggregated by gender, major ethnic or racial groups, limited-English proficient children, children with disabilities, and other educationally meaningful categories of children; and*

*"(J) include students who have resided in the area served by a local educational agency for a full academic year but have not attended a single school served by such agency for a full academic year, except that the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency, unless the State provides otherwise.*

*"(4) OTHER INDICATORS.—Each State plan may include a description of any other indicators, such as rates of attendance, graduation, and school-to-work or school-to-college transition, that will be used in addition to the assessments required by paragraph (3) in determining the yearly performance of each local educational agency and school served under this part.*

*"(5) TRANSITIONAL STATEWIDE ASSESSMENTS.—(A)(i) If a State does not have State content standards and State student performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), the State may propose to use, for a transitional period of not more than two years, a transitional statewide set of yearly assessments that measure the performance of complex skills and challenging subject matter.*

*"(ii) Each State using the transitional assessments described in clause (i) shall develop benchmarks of progress toward the development of assessments that meet the requirements of paragraph (3), including periodic updates.*

*"(B)(i) The Secretary may extend for two additional years the use of the transitional assessments described in subparagraph (A) upon the request of a State and a showing of substantial progress toward meeting the requirements of paragraphs (1) and (3), particularly paragraph (3)(C).*

*"(ii) A State that is denied the two-year extension or renewal under clause (i) or is granted such an extension or renewal, but after one or two additional years does not have State content standards and State student performance standards that meet the requirements of paragraph (1) or assessments that meet the requirements of paragraph (3), shall adopt a set of such standards and aligned assessments, such as those contained in other State plans the Secretary has approved.*

*"(C) For any year during which a State is using transitional assessments the State shall devise a procedure for identifying local educational agencies under subsections (c)(3) and (c)(7) of section 1118 and schools under subsections (b)(1) and (b)(6) of section 1118 that relies on accurate information about the academic progress of each such local educational agency and school.*

*"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—*

*"(1) the State educational agency will implement a system of school support teams under section 1119(b), including provision of necessary professional development for those teams;*

*"(2) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;*

*"(3) the State educational agency will fulfill its local educational agency and school improvement responsibilities under section 1118; and*

*"(4) the State educational agency will encourage the use of funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114.*

*"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—*

*"(1) IN GENERAL.—The Secretary shall—*

*"(A) establish a peer review process to assist in the review and recommendations for revision of State plans;*

*"(B) following an initial peer review, approve a State plan the Secretary determines meets the requirements of subsections (b) and (c);*

*"(C) if the Secretary determines that the State plan does not meet the requirements of subsection (b) or (c), immediately notify the State of that determination and the reasons for such determination;*

*"(D) not finally disapprove a State's plan before offering the State an opportunity to revise its plan and provide technical assistance to assist the State to meet the requirements of subsections (b) and (c); and*

*"(E) not require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's content standards or to use specific assessment instruments or items.*

*"(2) WITHHOLDING.—The Secretary may withhold funds for State administration and activities under section 1119 until the Secretary determines that the State plan meets the requirements of this section.*

*"(e) DURATION OF THE PLAN.—*

*"(1) IN GENERAL.—Each State plan shall—*

*"(A) remain in effect for the duration of the State's participation under this part; and*

*"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.*

*"(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate progress, the State shall submit such information to the Secretary.*

*"(f) SPECIAL RULE.—If the aggregate State expenditure by a State educational agency for the operation of elementary and secondary education programs in the State is less than such agency's aggregate Federal expenditure for the State operation of all Federal elementary and secondary education programs, then the State plan shall include assurances and specific provisions that such State will provide State expenditures for the operation of elementary and secondary education programs equal to or exceeding the level of Federal expenditures for such operation by October 1, 1998.*

***"SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.***

*"(a) PLANS REQUIRED.—A local educational agency may receive a subgrant under this part for any fiscal year only if such agency has on file with the State educational agency a plan that is approved by the State educational agency. Such plan may be submitted as part of a consolidated plan under section 10304.*

*"(b) PLAN PROVISIONS.—*

*"(1) IN GENERAL.—Each local educational agency plan shall include—*

*"(A) a description of additional high-quality student assessments, if any, other than those described in the State plan under section 1111, that—*

*"(i) the local educational agency and schools served under this part will use to—*

*"(I) provide information to teachers, parents, and students on the progress being made toward meeting the State student performance standards described in section 1111(b)(2)(A); and*

*"(II) aid in instruction, in improving the performance of individual students, and in revising the local educational agency or school's instructional program to enable all children served under this part to meet the State student performance standards described in section 1111(b)(2)(A);*

*"(ii) will be selected and administered by teachers; and*

*"(iii) will be aligned with curriculum and constitute an integral part of the instructional program;*

*"(B) at the local educational agency's discretion, a description of any other indicators, such as rates of attendance, graduation, and school-to-work or school-to-college transition, that will be used in addition to the assessments described in subparagraph (A) for the uses described in clause (i) of such subparagraph;*

*"(C) a description of the strategy the local educational agency will use to provide ongoing professional development for teachers, pupil services personnel, administrators, parents and other staff, including local educational agency level staff, that—*

*"(i) takes into account the needs and activities across and within schools; and*

*"(ii) draws on resources available under this part, other Federal resources, and, at the local educational agency's discretion, other State and local resources;*

*"(D) a description of the poverty criteria that will be used to select school attendance areas under section 1113;*

*"(E) a description of how teachers, in consultation with parents, administrators, and pupil services personnel, in targeted assistance schools under section 1115 will identify those eligible children most in need of services under this part;*

*"(F) a general description of the nature of the programs to be conducted by its schools under sections 1114 and 1115 and services outside those schools for children living in local institutions for neglected or delinquent children and for eligible homeless children;*

*"(G) a description of how the local educational agency, where appropriate, will use funds under this part to support preschool programs for children, particularly children participating in a Head Start or Even Start program, which services may be provided directly by the local educational agency or through a subcontract with the local Head Start agency designated by the Secretary of Health and Human Services under section 641 of the Head Start Act, or another comparable public early childhood development program; and*

"(H) a description of how the local educational agency, as part of a comprehensive school reform effort, will, where appropriate and feasible as determined by such agency, use funds provided under this part to reduce class size to 15 students.

"(2) FILING AND APPROVAL.—Notwithstanding paragraph (1), each local educational agency plan shall be filed according to a schedule established by the State educational agency, except that a local educational agency shall have not more than 2 years from the date of enactment of the Improving America's Schools Act of 1994 to have such plan approved by the State educational agency.

"(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(1) work in consultation with schools as the schools develop their plans pursuant to section 1114 or 1118 and assist schools as schools implement those plans so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

"(2)(A) inform eligible schools and parents of schoolwide project authority; and

"(B) provide technical assistance and support to schoolwide programs;

"(3) fulfill its school improvement responsibilities under section 1118;

"(4) provide services to eligible children attending private elementary and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services;

"(5) consistent with the provisions of section 10306, coordinate and integrate services provided under this part with other educational services, including—

"(A) Even Start, Head Start, and other preschool programs, and school-to-work transition programs; and

"(B) services for children with limited-English proficiency or with disabilities, migratory children served under part D, neglected or delinquent children served under part E, homeless children, and immigrant children, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the children's instructional program;

"(6) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with school-based pupil services personnel where appropriate, and with other agencies providing services to children, youth, and families, including health and social services;

"(7) where appropriate and feasible as determined by the local educational agency, establish a procedure to ensure that all children in participating elementary schools receive two health screenings during the elementary school years at appropriate intervals based on reasonable pediatric standards; and

"(8) in the case that a State chooses to utilize funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

"(d) PLAN DEVELOPMENT AND DURATION.—Each local educational agency plan shall—

"(1) be developed in consultation with teachers, pupil services personnel and parents of children in schools served under this part;

"(2) remain in effect for the duration of the local educational agency's participation under this part; and

"(3) be periodically reviewed and revised, as necessary, to reflect changes in the local educational agency's strategies and programs.

"(e) STATE APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan will enable schools served under this part to substantially help all children served under this part meet the standards described in section 1111(b)(1).

"(f) PROGRAM RESPONSIBILITY.—The local educational agency plan shall reflect the shared responsibility of the local educational agency and schools in making decisions required under sections 1114 and 1115.

**"SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.**

"(a) IN GENERAL.—

"(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

"(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

"(A) the term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

"(B) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is equal to or greater than the percentage of children—

"(i) from low-income families served by the local educational agency as a whole; or

"(ii) served by the local educational agency as a whole who are eligible to participate in a schoolwide program under section 1114.

"(3) SERVING SCHOOLS IN RANK ORDER.—Each local educational agency receiving assistance under this part shall—

"(A) first serve in rank order schools in which the concentration of children from low-income families is 75 percent or greater;

"(B) then serve in rank order schools in which such concentration is at least 50 percent and less than 75 percent with rank order determined at the discretion of the local education agency according to grade span or school; and

"(C) finally serve in rank order schools in which such concentration is below 50 percent with rank order determined according to grade span or by school.

"(4) MEASURES.—The local educational agency shall use the same measure of low-income, which such agency shall choose on the basis of the best available verifiable data and which may be a composite of several indicators, with respect to all school attendance areas in the local educational agency to—

"(A) identify eligible school attendance areas;

"(B) determine the ranking of each such area; and

"(C) determine allocations under subsection (c).

"(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (a)(1), a local educational agency may use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency.

"(c) ALLOCATIONS.—

"(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools—

"(A) identified under subsection (a)(3)(A), in rank order, on the basis of the total number of children from low-income families in each such area or school; and

"(B) identified under subparagraphs (B) and (C) of subsection (a)(3) or under subsection (b), in rank order, on the basis of the total number of children from low-income families in grade levels served in each such area or school.

"(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 65 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criterion described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 50 percent or greater.

"(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

"(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

"(A) eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters, where appropriate; and

"(B) children living in local institutions for neglected or delinquent children.

"(d) INAPPLICABILITY.—Subsections (a) and (c) shall not apply—

"(1) to a local educational agency with a total enrollment of less than 1,000 children, except that such agency shall serve schools in rank order according to grade span or school; or

"(2) to schools participating in desegregation programs where the number of economically disadvantaged children is equal to or greater than 100 or equal to or greater than 25 percent of such school's total student enrollment.

**"SEC. 1114. SCHOOLWIDE PROGRAMS.**

"(a) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

"(1) IN GENERAL.—A local educational agency may use funds under this part, in combination with other Federal, State, and local funds, in order to upgrade the entire educational program in a school described in subparagraph (A) or (B) if, for the initial year of the schoolwide program, the school meets either of the following criteria:

"(A) The school serves an eligible school attendance area in which at least 30 percent of the children—

"(i) are from low-income families; and

"(ii) are eligible for a free or reduced price lunch or show evidence of poverty by other criteria, such as eligibility under the aid to families with dependent children program under part A of title IV of the Social Security Act.

"(B) At least 30 percent of the children enrolled in the school are from families meeting the requirements of clauses (i) and (ii) of subparagraph (A).

"(2) IDENTIFICATION.—(A) No school participating in a schoolwide program shall be required to identify particular children as eligible to participate in a schoolwide program or to provide supplemental services to such children.

"(B) A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited-English proficiency.

"(3) SPECIAL RULE.—(A) Notwithstanding any other provision of law, a school participating in a schoolwide program may use funds received under any noncompetitive, formula-grant program administered by the Secretary, or any discretionary program contained on a list, updated

*as necessary, issued by the Secretary (other than any such program under the Individuals with Disabilities Education Act) to support a schoolwide program if the underlying intent and purposes of such program are met.*

*"(B) A school that uses funds from the programs described in subparagraph (A) in accordance with such subparagraph shall not be relieved of the requirements relating to health, safety, civil rights, maintenance of effort, comparability of services, services for the participation of children enrolled in private schools, parental involvement, or the distribution of funds to State or local educational agencies that apply to the receipt of funds under such programs.*

*"(4) RESERVATION.—Each school receiving funds under this title for any fiscal year shall use not less than 10 percent of such funds to carry out the activities described in subsection (b)(1)(D) for such fiscal year, except that—*

*"(A) a school may enter into a consortium with another school to carry out such activities; and*

*"(B) this paragraph shall not apply to a school if 10 percent of the funds such school receives under this title for such year is less than $5,000.*

*"(b) COMPONENTS OF A SCHOOLWIDE PROGRAM.—*

*"(1) IN GENERAL.—A schoolwide program shall include the following components:*

*"(A) A comprehensive needs assessment of the entire school that is based on information on the performance of children in relation to the State content standards and the State student performance standards described in section 1111(b)(1).*

*"(B) Schoolwide reform strategies that—*

*"(i) provide opportunities for all children to meet the State's proficient and advanced levels of performance described in section 1111(b)(1)(A);*

*"(ii) are based on effective means of improving the achievement of children;*

*"(iii) use effective instructional strategies that—*

*"(I) increase the amount and quality of learning time; and*

*"(II) help provide an enriched and accelerated curriculum;*

*"(iv)(I) address the needs of all children in the school, but particularly the needs of economically disadvantaged children, low-achieving children, children with limited-English proficiency, children with disabilities, children from migratory families, and children who are members of the target population of any program that is included in the schoolwide program, which may include—*

*"(aa) counseling, pupil services, and mentoring services;*

*"(bb) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services;*

*"(cc) services to prepare students for the transition from school to work;*

*"(dd) services to assist preschool children in the transition from early childhood programs to elementary school programs;*

*"(ee) incorporation of gender-equitable methods and practices; and*

*"(ff) after school and summer programs; and*

*"(II) address how the school will determine if such needs have been met; and*

*"(v) are consistent with, and are designed to implement, the State and local improvement plans, if any, approved under title III of the Goals 2000: Educate America Act.*

*"(C)(i) Instruction by highly qualified professional staff.*

*"(ii) If a school uses funds received under this part to employ instructional aides, the school shall ensure that such aides—*

*"(I) possess the knowledge and skills sufficient to assist participating children in meeting the educational goals of this part;*

*"(II) have a secondary school diploma or its recognized equivalent, or earn such diploma or equivalent within 2 years of such employment, except that a school may employ an instructional aide that does not meet the requirement of this subclause if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and*

*"(III) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children.*

*"(D) In accordance with subsection (a)(4), ongoing professional development for teachers, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.*

*"(E) Parental involvement in accordance with section 1116.*

*"(F) Development and use of teacher selected assessments as described in section 1112(b)(1)(A)(ii) for providing information on and improving the performance of individual students and the overall instructional program.*

*"(G) Measures to ensure that students who experience difficulty mastering any of the standards required by section 1111(b) during the course of the school year shall be provided with effective, timely additional assistance, which shall include—*

*"(i) measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance;*

*"(ii) to the extent the school determines feasible using funds under this part, periodic training for teachers in how to identify such difficulties and to provide assistance to individual students; and*

*"(iii) for any student who has not met such standards, teacher-parent conferences, at which time the teacher and parents shall discuss—*

*"(I) what the school will do to help the student meet such standards;*

*"(II) what the parents can do to help the student improve the student's performance; and*

*"(III) additional assistance which may be available to the student at the school or elsewhere in the community.*

*"(2) PLAN.—(A) Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence before the date of enactment of the Improving America's Schools Act of 1994), in consultation with the local educational agency, a comprehensive plan for reforming the total instructional program in the school that—*

*"(i) incorporates the components described in paragraph (1);*

*"(ii) describes how the school will use resources under this part and from other sources to implement those components;*

*"(iii) includes a list of State and local educational agency programs and other Federal programs under paragraph (a)(3) that will be included in the schoolwide program;*

*"(iv) describes how the school will provide valid and reliable individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3); and*

*"(v) provides for statistically reliable data on the achievement and assessment results of economically disadvantaged children disaggregated by gender, major ethnic or racial groups, children with disabilities, and, where appropriate, limited-English proficient children.*

*"(B) Plans developed before a State has adopted standards and a set of assessments that meet the criteria described in paragraphs (1) and (3) of section 1111(b) shall be based on an analysis of available data on the achievement of students in the school and effective instructional and school improvement practices.*

*"(C) The comprehensive plan shall be—*

*"(i) developed over a one-year period, unless—*

*"(I) the local educational agency determines that less time is needed to develop and implement the schoolwide program; or*

*"(II) the school is operating a schoolwide program on the day preceding the date of enactment of the Improving America's Schools Act of 1994, in which case such school may continue to operate that program, but shall develop a new plan during the first year of assistance under such Act to reflect the provisions of this section;*

*"(ii) developed by a school-site council composed of those individuals who will implement the plan, including teachers, pupil services personnel, parents, principals, and other staff;*

*"(iii) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school; and*

*"(iv) available to the local educational agency, parents, and the public, and the information contained in such plan shall be translated, to the extent feasible, into any language that a significant percentage of the parents of participating children in the school speak as their primary language.*

***"SEC. 1115. TARGETED ASSISTANCE SCHOOLS.***

*"(a) IN GENERAL.—In all schools selected to receive funds under section 1113(c) that are ineligible for a schoolwide program under section 1114, or that choose not to operate such a schoolwide program, a local educational agency may use funds received under this part only for programs that provide services to economically disadvantaged children identified by teachers, in consultation with parents, administrators, and pupil services personnel, as having the greatest academic need for special assistance.*

*"(b) ELIGIBLE CHILDREN.—*

*"(1) ELIGIBLE POPULATION.—A child shall be eligible for services under this part if—*

*"(A) except as provided in subparagraphs (B), (C), and (D), the school serving such child determines that such child is economically disadvantaged, and such child—*

*"(i)(I) is not older than age 21 and is entitled to a free public education through grade 12; and*

*"(II) is not yet at a grade level where the local educational agency provides a free public education, yet is of an age at which such child can benefit from an organized instructional program provided in a school or other educational setting; or*

*"(ii) is a child with a disability, a limited-English proficient child, or a migrant child;*

*"(B) the child, at any time in the two years preceding the year for which the determination is made, received services under the program for neglected and delinquent children under part E (or its predecessor authority);*

*"(C) the child is homeless and attending any school in the local educational agency; and*

*"(D) the child, at any time in the two years preceding the year for which the determination is made, participated in a Head Start or Even Start program.*

*"(2) SPECIAL RULE.—Funds received under this part may not be used to provide services that are otherwise required by law to be made available to children described in subparagraphs (B), (C), and (D) of paragraph (1) but may be used to coordinate or supplement such services.*

*"(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—*

*"(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this part the opportunity*

*to meet the State's student performance standards in subjects as determined by the State, each targeted assistance program under this section shall—*

*"(A) use such program's resources under this part to help participating children meet such State student performance standards expected for all children;*

*"(B) be based on effective means for improving achievement of children;*

*"(C) ensure that planning for students served under this part is incorporated into existing school planning;*

*"(D) use effective instructional strategies that—*

*"(i) increase the amount and quality of learning time;*

*"(ii) help provide an accelerated, high-quality curriculum; and*

*"(iii) minimize isolating eligible children from other children in the school during regular school hours;*

*"(E) coordinate with and support the regular education program, which may include—*

*"(i) counseling, mentoring and other pupil services;*

*"(ii) college and career awareness and preparation, such as college and career guidance, enhancement of employability skills, and job placement services;*

*"(iii) services to prepare students for the transition from school to work; and*

*"(iv) services to assist preschool children in the transition from early childhood programs to elementary school programs;*

*"(F) provide instruction by highly qualified staff;*

*"(G) if such program employs instructional aides, ensure that such aides—*

*"(i) possess the knowledge and skills sufficient to assist participating children in meeting the purposes of this title;*

*"(ii) have a secondary school diploma or its recognized equivalent, or earn such diploma or equivalent within 2 years of such employment, except that an instructional aide that does not meet the requirement of this clause may be employed if such aide possesses proficiency in a language other than English that is needed to enhance the participation of children in programs under this part; and*

*"(iii) are under the direct supervision of a teacher who has primary responsibility for providing instructional services to eligible children;*

*"(H) in accordance with subsection (d)(2), provide opportunities for ongoing professional development to the extent the school determines feasible with resources provided under this part and from other sources for administrators and for teachers and other school staff who work with participating children in programs under this section or in the regular education program; and*

*"(I) provide opportunities for parental involvement in accordance with section 1116.*

*"(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's proficient and advanced levels of performance by—*

*"(A) the coordination of resources provided under this part with other resources to enable the children served to meet the State content standards and State student performance standards; and*

*"(B) providing individual student assessment results, including an interpretation of those results, to the parents of any child who participates in the assessment required by section 1111(b)(3).*

*"(d) SPECIAL RULES.—*

*"(1) COMPREHENSIVE SERVICES.—If health, nutrition, and other social services are not otherwise available to eligible children in a targeted assistance school and such school, if appropriate, has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, and if funds are not reasonably available from other public or private sources to provide services under this part, then funds provided under this part may be used as a last resort to provide such services, including—*

*"(A) the provision of basic medical equipment, such as eyeglasses and hearing aids;*

*"(B) compensation of a coordinator; and*

*"(C) professional development for teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children.*

*"(2) RESERVATION.—Each school receiving funds under this title for any fiscal year shall use not less than 10 percent of such funds to carry out the activities described in subsection (c)(1)(G) for such fiscal year, except that—*

*"(A) a school may enter into a consortium with another school to carry out such activities; and*

*"(B) this paragraph shall not apply to a school if 10 percent of the funds such school receives under this title for such year is less than $5,000.*

*"(e) ASSIGNMENT OF PERSONNEL.—To promote the integration of staff supported with funds under this part and children served under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—*

*"(1) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school;*

*"(2) participate in general professional development and school planning activities; and*

*"(3) collaboratively teach with regular classroom teachers, so long as their efforts directly benefit participating children.*

*"(f) SPECIAL RULE.—Nothing in this section shall be construed to prohibit a school from serving students served under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.*

***"SEC. 1116. PARENTAL INVOLVEMENT.***

*"(a) LOCAL EDUCATIONAL AGENCY POLICY.—*

*"(1) IN GENERAL.—Each local educational agency that receives funds under this part shall develop jointly with, agree upon with, and distribute to, parents of participating children a written parent involvement policy that is incorporated into the local educational agency's plan developed under section 1112, establishes the expectations for parent involvement, and describes how the local educational agency will—*

*"(A) involve parents in the joint development and approval of the plan described under section 1112, and the process of school review and improvement described under section 1118;*

*"(B) provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement;*

*"(C) build the schools' and parents' capacity for strong parent involvement as described in subsection (e);*

*"(D) coordinate and integrate parent involvement strategies described in this part with those under other programs; and*

*"(E) ensure that participating schools—*

*"(i) review the effectiveness of their parent involvement activities on an ongoing basis;*

*"(ii) identify and take steps to remove any barriers to greater parental involvement, including barriers resulting in lower rates of participation in the parent involvement activities by parents who are economically disadvantaged, are disabled, have limited literacy, have limited-English proficiency, or are from any racial or ethnic minority background; and*

*"(iii) use the findings of such reviews in—*

*"(I) designing strategies for school improvement; and*

*"(II) revising, if necessary, the parent involvement policies described in this subsection and subsection (b)(1).*

*"(2) AMENDMENT.—If the local educational agency has a school district-level parental involvement policy that applies to all parents, such agency may amend that policy, if necessary, to meet the requirements of this subsection.*

*"(b) SCHOOL PARENTAL INVOLVEMENT POLICY.—*

*"(1) IN GENERAL.—Each school served under this part shall jointly develop with, and distribute to, parents of participating children a written parent involvement policy, agreed upon by such parents, that shall describe the means for carrying out the requirements of subsections (c) through (f). Such policy shall be updated periodically to meet the changing needs of parents and the school.*

*"(2) SPECIAL RULE.—If the school has a parental involvement policy that applies to all parents, such school may amend that policy, if necessary, to meet the requirements of this subsection.*

*"(c) POLICY INVOLVEMENT.—Each school served under this part shall—*

*"(1) convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part and to explain this part, its requirements, and their right to be involved;*

*"(2) offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement;*

*"(3) involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under this part, including the school parental involvement policy and the joint development and approval of the schoolwide program plan under section 1114(b), except that if a school has in place a process for involving parents in the joint planning, design, and approval of its programs, the school may use that process, provided that such process includes an adequate representation of parents of participating children; and*

*"(4) provide parents of participating children—*

*"(A) timely information about programs under this part;*

*"(B) school performance profiles required under section 1118(a)(3);*

*"(C) a description and explanation of the curriculum in use at the school, the forms of assessment used to measure student progress, and the proficiency levels students are expected to meet;*

*"(D) opportunities for regular meetings to formulate suggestions, share experiences with other parents, and participate as appropriate in decisions relating to the education of their children if such parents so desire; and*

*"(E) timely responses to the suggestions described in subparagraph (E).*

*"(d) SHARED RESPONSIBILITIES FOR HIGH STUDENT PERFORMANCE.—As a component of the school-level parental involvement policy developed under subsection (b), each school served under this part shall jointly develop with parents for all children served under this part a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student*

*achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall—*

*"(1) describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under this part to meet the State's student performance standards, and the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, television watching, volunteering in their child's classroom, and participating as appropriate in decisions relating to the education of their children, and positive use of extracurricular time; and*

*"(2) address the importance of communication between teachers and parents on an ongoing basis through, at a minimum—*

*"(A) parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;*

*"(B) frequent reports to parents on their children's progress; and*

*"(C) reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.*

*"(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency shall—*

*"(1) provide assistance to participating parents in such areas as understanding the National Education Goals, the State's content standards and State student performance standards, State and local assessments, the requirements of this part, and how to monitor their children's progress and work with educators to improve the performance of their children as well as information on how parents can participate in decisions relating to the education of their children;*

*"(2) provide materials and training, such as necessary literacy training that is not otherwise available from other sources to help parents work with their children to improve their children's achievement;*

*"(3) educate teachers, pupil services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school;*

*"(4) coordinate and integrate parent involvement programs and activities with Head Start, Even Start, and public preschool programs, to the extent feasible;*

*"(5) other activities, as appropriate and feasible, such as parent resource centers, designed to help parents become full partners in the education of their children; and*

*"(6) provide such other reasonable support for parental involvement activities under this section as parents may request.*

*"(f) PARENTAL INFORMATION AND RESOURCE CENTERS.—In States where parental information and resource centers have been established pursuant to section 401 of the Goals 2000: Educate America Act of 1994 (to providing training, information, and support to parents and individuals who work with parents) local educational agencies and schools receiving assistance under this part shall assist parents and parent organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.*

*"(g) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited-English proficiency or with disabilities, including providing information and school profiles in a language and form such parents understand.*

***"SEC. 1117. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.***

*"(a) GENERAL REQUIREMENT.—*

*"(1) IN GENERAL.—To the extent consistent with the number of eligible children identified according to section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part.*

*"(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, must be secular, neutral, and nonideological.*

*"(3) EQUITY.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part.*

*"(4) EXPENDITURES.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.*

*"(5) PROVISION OF SERVICES.—The local educational agency may provide such services directly or through contracts with public and private agencies, organizations, and institutions.*

*"(b) CONSULTATION.—*

*"(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of the agency's programs under this part, on issues such as—*

*"(A) how the children's needs will be identified;*

*"(B) what services will be offered;*

*"(C) how and where the services will be provided; and*

*"(D) how the services will be assessed.*

*"(2) TIMING.— Such consultation shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part.*

*"(3) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.*

*"(c) PUBLIC CONTROL OF FUNDS.—*

*"(1) IN GENERAL.—The control of funds provided under this part, and title to materials, equipment, and property purchased with those funds, shall be in a public agency, and a public agency shall administer such funds and property.*

*"(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—*

*"(i) by employees of a public agency; or*

*"(ii) through contract by such public agency with an individual, association, agency, or organization.*

*"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.*

*"(3) VERIFIABLE DOCUMENTATION.—An official of each private school assisted under this part shall provide to the local educational agency the verifiable documentation necessary to determine the proportionate allocation amount under subsection (a)(4) on which the provision of equitable services under this section will be based.*

*"(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—*

*"(1) waive the requirements of this section for such local educational agency; and*

*"(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 10505 and 10506.*

*"(e) CAPITAL EXPENSES.—*

*"(1) IN GENERAL.—(A) From the amount appropriated for this subsection under section 1002(e) for any fiscal year, each State is eligible to receive an amount that bears the same ratio to the amount so appropriated as the number of private school children who received services under this part in the State in the most recent year for which data satisfactory to the Secretary are available bears to the number of such children in all States in that same year.*

*"(B) The Secretary shall reallocate any amounts allocated under subparagraph (A) that are not used by a State for the purpose of this subsection to other States on the basis of their respective needs, as determined by the Secretary.*

*"(2) CAPITAL EXPENSES.—(A) A local educational agency may apply to the State educational agency for payments for capital expenses consistent with this subsection.*

*"(B) State educational agencies shall distribute such funds under this subsection to local educational agencies based on the degree of need set forth in their respective applications for assistance under this subsection.*

*"(3) USES OF FUNDS.—Any funds appropriated to carry out this subsection shall be used only for capital expenses incurred to provide equitable services for private school children under this section.*

*"(4) DEFINITION.—For the purpose of this subsection, the term 'capital expenses' means—*

*"(A) expenditures for noninstructional goods and services, such as the purchase, lease, or renovation of real and personal property, including mobile educational units and leasing of neutral sites or spaces;*

*"(B) insurance and maintenance costs;*

*"(C) transportation; and*

*"(D) other comparable goods and services.*

***"SEC. 1118. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.***

*"(a) LOCAL REVIEW.—Each local educational agency receiving funds under this part shall—*

*"(1) use the State assessments described in the State plan;*

*"(2) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in section 1111(b)(2)(A)(i) toward enabling its students to meet the State's student performance standards described in the State plan;*

*"(3) publicize and disseminate to teachers and other staff, parents, students, and the community the results of the annual review under*

*paragraph (1) of all schools served under this part in individual school performance profiles that include disaggregated results as required by section 1111(b)(3)(F); and*

*"(4) provide the results of the local annual review to schools so that the local educational agency can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards.*

*"(b) SCHOOL IMPROVEMENT.—*

*"(1) IN GENERAL.—(A) A local educational agency shall identify for school improvement any school served under this part that—*

*"(i) has been in program improvement under section 1020 of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), for at least two consecutive school years prior to such day;*

*"(ii) has not made adequate progress as defined in the State's plan under section 1111(b)(2)(A)(i) for two consecutive school years, except that—*

*"(I) this subparagraph shall not apply to a school if almost every student in such school is meeting the State's advanced level of performance; or*

*"(II) in the case of a school that is not operating a schoolwide program such school may be reviewed on the progress of only those students that have been, are, or will be, served under this part; or*

*"(iii) has failed to meet the criteria established by the State through the State's transitional procedure under section 1111(b)(5)(C) for two consecutive years.*

*"(B) Before identifying a school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the school believes that such identification for school improvement is in error, such school may provide evidence to the local educational agency to support such belief.*

*"(2) REQUIREMENT.—(A) Each school identified under paragraph (1) shall—*

*"(i) in consultation with parents, the local educational agency, and the school support team, develop or revise a school plan in ways that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards; and*

*"(ii) submit the plan to the local educational agency for approval.*

*"(B) During the first year immediately following identification under paragraph (1), the school shall implement such school's plan.*

*"(3) TECHNICAL ASSISTANCE.—For each school identified under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements such school's plan.*

*"(4) CORRECTIVE ACTION.—(A) The local educational agency may take corrective action at any time against a school that has been identified under paragraph (1), but, during the third year following identification under paragraph (1), shall take such action against any school that still fails to make adequate progress.*

*"(B)(i) Corrective actions are those, consistent with State and local law, determined and made public and disseminated by the local educational agency, which may include—*

*"(I) withholding funds;*

*"(II) an aggressive joint plan between the local educational agency and the school that addresses specific elements of student performance problems and that specifies school and local responsibilities under the plan;*

*"(III) interagency collaborative agreements between the school and other public agencies to provide health, counseling, and other social services needed to remove barriers to learning;*

*"(IV) waivers or modifications of requirements of local educational agency policy or regulation that impede the ability of the school to educate students;*

*"(V) revoking authority for a school to operate a schoolwide program;*

*"(VI) decreasing decisionmaking authority at the school level;*

*"(VII) making alternative governance arrangements such as the creation of a public charter school;*

*"(VIII) reconstituting the school staff; and*

*"(IX) authorizing students to transfer, including transportation costs, to other public schools served by the local educational agency.*

*"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I), (V), (VI), (VIII), (IX) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(E) of section 1111(b).*

*"(C) Prior to implementing any corrective action, the local educational agency may refrain from such corrective action to the extent that the failure to make progress can be attributed to extenuating circumstances, such as sudden and significant reductions in Federal funding in a single year, as determined by the Secretary.*

*"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—*

*"(A) make assistance from school support teams and distinguished educators under section 1119 available to the schools farthest from meeting the State's student performance standards, if requested by the local educational agency or school; and*

*"(B) if such agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under paragraphs (3) and (4), take such corrective actions that the State educational agency deems appropriate.*

*"(6) SPECIAL RULE.—Schools that for at least two of the three years following identification under paragraph (1) make adequate progress toward meeting the State's proficient and advanced levels of performance shall no longer need to be identified for school improvement.*

*"(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—*

*"(1) IN GENERAL.—A State educational agency shall—*

*"(A) annually review the progress of each local educational agency receiving funds under this part to determine whether the local educational agency is making adequate progress as defined in section 1111(b)(2)(A)(ii) toward meeting the State's student performance standards; and*

*"(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review, including disaggregated results, as required by section 1111(b)(3)(F).*

*"(2) REWARDS.—In the case of a local educational agency that for three consecutive years has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(ii), the State may make institutional and individual rewards of the kinds described for individual schools in paragraphs (2) and (3) of section 1119(b).*

*"(3) IDENTIFICATION.—(A) A State educational agency shall identify for improvement any local educational agency that—*

*"(i) for two consecutive years, is not making adequate progress as defined in section 1111(b)(2)(A)(ii) in schools served under this part toward meeting the State's student performance standards, except that schools served by the local educational agency that are not operating schoolwide programs may be reviewed on the basis of the progress of only those students served under this part; or*

*"(ii) has failed to meet the criteria established by the State through its transitional procedure under section 1111(b)(5)(C) for two consecutive years.*

*"(B) Before identifying a local educational agency for improvement under paragraph (1), the State educational agency shall provide the local educational agency with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the local educational agency believes that such identification for improvement is in error, such local educational agency may provide evidence to the State educational agency to support such belief.*

*"(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—Each local educational agency identified under paragraph (3) shall, in consultation with schools, parents, and educational experts, revise its local educational agency plan under section 1112 in ways that have the greatest likelihood of improving the performance of schools served by the local educational agency in meeting the State's student performance standards.*

*"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—For each local educational agency identified under paragraph (3), the State educational agency shall—*

*"(A) provide technical assistance to better enable the local educational agency to develop and implement the local educational agency's revised plan and work with schools needing improvement; and*

*"(B) make available to the local educational agencies farthest from meeting the State's standards, if requested, assistance from school support teams and distinguished educators under section 1119.*

*"(6) CORRECTIVE ACTION.—(A) The State educational agency may take corrective action at any time against a local educational agency that has been identified under paragraph (3), but, during the fourth year following identification under paragraph (3), shall take such action against any local educational agency that still fails to make adequate progress.*

*"(B)(i) Corrective actions are those, consistent with State law, determined and made public and disseminated by the State educational agency, which may include—*

*"(I) the withholding of funds;*

*"(II) an aggressive joint plan between the State and local educational agency that addresses specific elements of student performance problems and that specifies State and local responsibilities under the plan;*

*"(III) interagency collaborative agreements between the local educational agency and other public agencies to provide health, pupil services, and other social services needed to remove barriers to learning;*

*"(IV) waivers or modification of requirements of State law or regulation (in States in which such waivers are permitted) that impede the ability of a local educational agency to educate students;*

*"(V) reconstitution of school district personnel;*

*"(VI) appointment by the State educational agency of a representative to implement, in conjunction with the local educational agency, a program improvement plan;*

*"(VII) removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for the public governance and supervision of such schools; and*

*"(VIII) authorizing students to transfer to another public school, including the cost of transportation.*

*"(ii) Notwithstanding clause (i), corrective actions taken pursuant to this part shall not include the actions described in subclauses (I),*

*(V), and (VII) of clause (i) until the State has developed assessments that meet the requirements of paragraph (3)(E) of section 1111(b).*

*"(C) Prior to implementing any corrective action, the State educational agency shall provide due process, including a hearing, to any local educational agency identified under paragraph (3) and may refrain from such corrective action to the extent that the failure to make progress can be attributed to such extenuating circumstances as determined by the Secretary.*

*"(7) SPECIAL RULE.—Local educational agencies that for at least two of the three years following identification under paragraph (3) make adequate progress toward meeting the State's standards no longer need to be identified for local educational agency improvement.*

*"(d) OTHER ACCOUNTABILITY SYSTEMS.—If a State has developed an accountability system for all children that, in the Secretary's judgment, is as rigorous as the system required by this section and can serve as basis for the accountability of programs under this part, then the Secretary may deem such system as meeting the requirements of this section.*

*"(e) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.*

***"SEC. 1119. STATE ASSISTANCE FOR SCHOOLS SUPPORT AND IMPROVEMENT.***

*"(a) SYSTEM FOR SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for schools receiving funds under this title, including all schoolwide programs and all schools in need of program improvement.*

*"(b) COMPONENTS.—The system, at a minimum, shall include the following:*

*"(1) SCHOOL SUPPORT TEAMS.—*

*"(A) Each State, in consultation with local educational agencies and schools, shall establish a system of school support teams to provide information and assistance to schoolwide programs, or a school in which the number of students in poverty is equal to or greater than 75 percent of the total number of students enrolled in such school and such school is identified as in need of improvement under section 1118(b)(1).*

*"(B) Each such team shall be composed of persons, including teachers, pupil services personnel, representatives of organizations knowledgeable about successful schoolwide projects or comprehensive school reform, and other persons who are knowledgeable about research and practice on teaching and learning, particularly about strategies for improving the educational opportunities for eligible children, such as representatives of institutions of higher education, regional educational laboratories or research centers, and outside consultant groups.*

*"(C) A school support team shall work cooperatively with each school and make recommendations as the school develops its schoolwide program plan or school improvement plan, review each plan, and make recommendations to the school and the local educational agency.*

*"(D) During the operation of the schoolwide program or during school improvement activities, a school support team shall—*

*"(i) periodically review the progress of the school in enabling children in the school to meet the State's performance standards under this part;*

*"(ii) identify problems in the design and operation of the instructional program; and*

*"(iii) make recommendations for improvement to the school and the local educational agency.*

*"(E) Funds made available for State administration and, at the discretion of the local educational agency, funds available to local educational agencies under this part may be used to pay the costs of the school support teams.*

*"(2) DISTINGUISHED SCHOOLS.—(A) Each State shall designate as a distinguished school—*

*"(i) any school served under this part that, for three consecutive years, has exceeded the State's definition of adequate progress as defined in section 1111(b)(2)(A)(i); and*

*"(ii) any school in which almost every student has met the State's advanced level of performance.*

*"(B)(i) A State shall use funds available under section 1701(c) to recognize distinguished schools, including making monetary awards.*

*"(ii) Funds awarded to a distinguished school may be used by the school to further the school's educational program under this part, provide additional incentives for continued success, and reward individuals or groups in the school for past performance.*

*"(C) A local educational agency may also recognize the success of a distinguished school by providing additional institutional and individual rewards, such as greater decisionmaking authority at the school building level, increased access to resources or supplemental services such as summer programs that may be used to sustain or increase success, additional professional development opportunities, opportunities to participate in special projects, and individual financial bonuses.*

*"(D) Schools designated as distinguished schools under such subparagraph (A) may serve as models and provide additional assistance to other schools served under this part, especially schoolwide programs and schools in school improvement, that are not making adequate progress.*

*"(3) DISTINGUISHED EDUCATORS.—*

*"(A) In order to provide assistance to schools and local educational agencies identified as needing improvement and schools participating in schoolwide programs, each State, in consultation with local educational agencies and using funds available under section 1701(c), shall establish a corps of distinguished educators.*

*"(B) When possible, distinguished educators shall be chosen from schools served under this part that have been especially successful in enabling children to meet or make outstanding progress toward meeting the State's student performance standards, such as the schools described in paragraph (2).*

*"(C) Distinguished educators shall provide, as part of the statewide system, intensive and sustained assistance to the schools and local educational agencies furthest from meeting the State's student performance standards and to schoolwide programs as such programs develop and implement their plans, including participation in the support teams described in paragraph (1).*

*"(c) IMPLEMENTATION.—In order to implement this section, funds made available under section 1701(c) may be used by a State for release time for teachers and administrators, travel, training, and other related costs.*

*"(d) ALTERNATIVES.—*

*"(1) IN GENERAL.—The State may devise alternative or additional approaches to providing the assistance described in paragraphs (1) and (3) of subsection (b), such as providing assistance through institutions of higher education and educational service agencies or other local consortia and may use funds authorized in section 1701(c) for such approaches.*

*"(2) INAPPLICABILITY.—Paragraphs (1) and (3) of subsection (b) shall not apply to a State educational agency if such agency determines that a local educational agency or school is receiving adequate technical assistance from a source other than the State educational agency.*

***"SEC. 1120. FISCAL REQUIREMENTS.***

*"(a) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that the local educational agency has maintained its fiscal effort in accordance with section 10501 of this Act.*

*"(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—*

*"(1) IN GENERAL.—(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.*

*"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.*

*"(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).*

*"(c) COMPARABILITY OF SERVICES.—*

*"(1) IN GENERAL.—(A) Except as provided in paragraphs (4) and (5), a local educational agency may receive funds under this part only if State and local funds will be used in schools served under this part to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving funds under this part.*

*"(B) If the local educational agency is serving all of such agency's schools under this part, such agency may receive funds under this part only if such agency will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school.*

*"(C) A local educational agency may meet the requirements of subparagraphs (A) and (B) on a grade-span by grade-span basis or a school-by-school basis.*

*"(2) WRITTEN ASSURANCE.—(A) A local educational agency shall be considered to have met the requirements of paragraph (1) if such agency has filed with the State educational agency a written assurance that such agency has established and implemented—*

*"(i) a local educational agency-wide salary schedule;*

*"(ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and*

*"(iii) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.*

*"(B) Unpredictable changes in student enrollment or personnel assignments which occur after the beginning of a school year shall not be included as a factor in determining comparability of services.*

*"(C) A local educational agency need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year in determining comparability of services under this subsection.*

*"(3) PROCEDURES AND RECORDS.—Each local educational agency shall—*

*"(A) develop procedures for compliance with this subsection; and*

*"(B) maintain records that are updated biennially documenting such agency's compliance with this subsection.*

*"(4) INAPPLICABILITY.—This subsection shall not apply to a local educational agency that does not have more than one building for each grade span.*

"(5) COMPLIANCE.—For the purpose of determining compliance with paragraph (1), a local educational agency may exclude State and local funds expended for—

"(A) bilingual education for children of limited-English proficiency; and

"(B) excessive costs of providing services to children with disabilities as determined by the local educational agency.

**"Subpart 2—Allocations**

**"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.**

"(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas in accordance with recommendations from the Pacific Regional Educational Laboratory which shall conduct a competition for such grants.

"(2) ADMINISTRATIVE COSTS.—The Secretary shall provide 5 percent of amounts made available for grants under this paragraph in each fiscal year to the Pacific Regional Educational Laboratory to pay the administrative costs of such laboratory with respect to the activities under this subsection.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

"(B) 46 percent of such expenditure in the United States.

**"SEC. 1122. ALLOCATIONS TO STATES.**

"(a) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under section 1123 for such year, the Secretary first shall ratably reduce the allocations to such local educational agencies for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under section 1123 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as such allocations were reduced.

"(b) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the total amount made available to each State under section 1123—

"(A) for fiscal year 1995, shall not be less than 100 percent of the total amount such State received under sections 1005 and 1006 (as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for fiscal year 1994;

"(B) for fiscal year 1996, shall not be less than 90 percent of the total amount such State received under section 1123 for fiscal year 1995; and

"(C) for fiscal year 1997 and each succeeding fiscal year, shall not be less than 85 percent of the total amount such State received in the fiscal year preceding the fiscal year for which the determination is made.

"(2) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

"(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts reduced.

"(c) DEFINITION.—For the purpose of this section and section 1123, the term State means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**"SEC. 1123. GRANTS TO STATES.**

"(a) AMOUNT OF GRANTS.—

"(1) IN GENERAL.—(A) In any case in which the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under paragraph (2), the grant which a State is eligible to receive under this subpart for a fiscal year shall be the aggregate amount of grants for all local educational agencies in that State, as determined under paragraph (2).

"(B) In any case in which the Secretary determines that satisfactory data for local educational agencies are not available to carry out determinations under paragraph (2), the grant which a State is eligible to receive for a fiscal year shall be the aggregate amounts of grants for all counties in that State, as determined under paragraph (2).

"(2) GRANTS FOR STATES.—(A)(i) The grant for a local educational agency shall be determined by multiplying the number of children determined under subsection (c)(2) by 40 percent of the amount determined under the next sentence, multiplying such product by the effort factor described in clause (ii) and multiplying such product by the equity factor described in clause (iii). The amount determined under this sentence shall be the average per pupil expenditure in the State except that (I) if the average per pupil expenditure in the State is less than 85 percent of the average per pupil expenditure in the United States, such amount shall be 85 percent of the average per pupil expenditure in the United States, or (II) if the average per pupil expenditure in the State is more than 115 percent of the average per pupil expenditure in the United States, such amount shall be 115 percent of the average per pupil expenditure in the United States.

"(ii)(I) Except as provided in subclause (II), the effort factor for a local educational agency shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor more than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the average per pupil expenditure for kindergarten through 12th grade education in the State served by the local educational agency multiplied by the per capita income in the United States and the denominator of which is the product of the per capita income in such State multiplied by the average per pupil expenditure for kindergarten through 12th grade education in the United States.

"(II) The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subclause (I) for any State.

"(iii)(I) Except as provided in subclause (II), the equity factor for a local educational agency shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than .95 nor more than 1.05. The equity factor determined under this sentence shall be calculated as follows: First, calculate the difference (expressed as a positive amount) between the average per pupil expenditure in the State served by the local educational agency and the average per pupil expenditure in each local educational agency in the State and multiply such difference by the total student enrollment for such agency, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Second, add the products under the preceding sentence for each local educational agency in such State and divide such sum by the total student enrollment of such State, except that children from low-income families shall be multiplied by a factor of 1.4 to calculate such enrollment. Third, divide the quotient under the preceding sentence by the average per pupil expenditure in such State. If the final quotient obtained under the preceding sentence is—

"(aa) .05 or less, then the equity factor is 1.05;

"(bb) greater than .05 and less than .15, then the equity factor is equal to 1.10 minus such quotient; or

"(cc) .15 or greater, then the equity factor is .95.

"(II) The equity factor for a local educational agency serving—

"(aa) the District of Columbia and the Commonwealth of Puerto Rico shall be calculated so that there is no increase or decrease in the District of Columbia's or the Commonwealth of Puerto Rico's grant under this section by the application of this clause;

"(bb) Hawaii shall be 1.05; and

"(cc) a State that meets the disparity standard described in section 222.63 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994), shall be not less than 1.00.

"(B) For each fiscal year, the Secretary shall determine the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be determined by multiplying the product of the effort factor for the Commonwealth of Puerto Rico under subparagraph (A)(ii)(II) for such year multiplied by the equity factor for the Commonwealth of Puerto Rico under subparagraph (A)(iii)(II)(aa) for such year by the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(i) the percentage determined under the preceding sentence for such year; and

"(ii) 32 percent of the average per pupil expenditure in the United States for such year.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—The children served by a local educational agency shall be counted for a fiscal

*year under this subpart only if such agency meets the following requirements with respect to the number of children counted under subsection (c)(1):*

*"(1) In any case (except as provided in paragraph (3)) in which the Secretary determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least 10.*

*"(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least 10.*

*"(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Secretary has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies or all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Secretary for the purposes of this subsection.*

*"(c) DETERMINATION OF WEIGHTED NUMBER OF CHILDREN.—*

*"(1) CHILDREN TO BE COUNTED.—(A) The number of children to be counted for purposes of this section is the aggregate of—*

*"(i) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level; and*

*"(ii) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.*

*"(B) For the purposes of this section, the Secretary shall determine the number of children counted under subparagraph (A) on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (or, if such data are not available for such agencies, for counties); and in determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census.*

*"(2) DETERMINATION OF NUMBER OF CHILDREN.—(A) The number of children to be determined for purposes of this paragraph shall be the number of children counted under paragraph (1) multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under paragraph (1) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Except as provided in subparagraph (B), weighting factors shall be assigned according to the following scale: if the percentage is greater than 0 but less than 12.20, the weighting factor shall be 1.00 for all children counted under paragraph (1); if the percentage is greater than 12.20 but less than 17.70, the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population and 1.10 for children counted under paragraph (1) in excess of 12.20 percent of the total school age population; if the percentage is greater than 17.70 percent but less than 22.80 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, and 1.20 for children counted under paragraph (1) in excess of 17.70 percent of the total school age population; if the percentage is greater than 22.80 percent but less than 29.70 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under paragraph (1) equal to 5.10 percent of the total school age population, and 1.30 for children counted under paragraph (1) in excess of 22.80 percent of the total school age population; and if the percentage is greater than 29.70, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 12.20 percent of the total school age population, 1.10 for a number of children counted under paragraph (1) equal to 5.50 percent of the total school age population, 1.20 for a number of children counted under paragraph (1) equal to 5.10 percent of the total school age population, 1.30 for a number of children counted under paragraph (1) equal to 6.90 percent of the total school age population, and 1.40 for children counted under paragraph (1) in excess of 29.70 percent of the total school age population. Separately, if the number of children counted under paragraph (1) is greater than 0 but less than 1917, the weighting factor shall be 1.00 for all children counted under paragraph (1); if the number is greater than 1917 but less than 5,938, the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, and 1.075 for children counted under paragraph (1) in excess of 1917; if the number is greater than 5,938 but less than 20,199, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, and 1.150 for children counted under paragraph (1) in excess of 5,938; if the number is greater than 20,199 but less than 77,999 then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, 1.150 for a number of children counted under paragraph (1) equal to 14,261, and 1.225 for children counted under paragraph (1) in excess of 20,199; and if the number is greater than 77,999, then the weighting factor shall be 1.00 for a number of children counted under paragraph (1) equal to 1917, 1.075 for a number of children counted under paragraph (1) equal to 4,021, 1.150 for a number of children counted under paragraph (1) equal to 14,261, 1.225 for a number of children counted under paragraph (1) equal to 57,800 and 1.30 for children counted under paragraph (1) in excess of 77,999. For the Commonwealth of Puerto Rico, the weighting factor shall be not greater than 1.15.*

*"(B) If the Secretary determines that satisfactory data for local educational agencies are available to carry out determinations under section 1123(a)(2), then the Secretary shall substitute the percentages, numbers, and quintiles described in section 1124(b)(3) for the percentages, numbers, and quintiles described in subparagraph (A).*

*"(d) STATE MINIMUM.—*

*"(1) MINIMUM.—For any fiscal year the aggregate amount allotted for all local educational agencies within a State may not be less than one-quarter of 1 percent of the total amount available for such fiscal year under this section.*

*"(2) SPECIAL RULE.—A State shall not be allotted in any fiscal year more than 125 percent of the amount that the State would have received under this section in such fiscal year if the provisions of paragraph (1) were not applied.*

*"(e) SPECIAL RULE.—No State shall receive a grant under this section for fiscal year 1995 in an amount that exceeds 115 percent of the amount that would have been allocated to such State for such fiscal year under subpart 1 of part A of chapter 1 of title I (as such subpart was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994).*

***"SEC. 1124. WITHIN STATE ALLOCATIONS.***

*"(a) IN GENERAL.—*

*"(1) ELIGIBILITY.—No local educational agency shall be eligible for funds under this part unless the number of children counted under subsection (b)(1) for such agency is at least 10 and equal to 5 percent or greater of the number of all children served by such agency.*

*"(2) HOLD HARMLESS.—(A) Except as provided in subparagraph (B), each local educational agency shall receive an amount under this part for fiscal years 1995 and 1996 that is at least equal to 85 percent of the amount such agency received under this part (or for fiscal year 1994 only, such part's predecessor authority) in the preceding fiscal year, except that if such agency is not eligible for assistance under paragraph (1) such agency shall only receive the amount provided for under this paragraph for fiscal year 1995.*

*"(B)(i) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under subparagraph (A) for such year, the State educational agency shall ratably reduce the allocations to such local educational agencies for such year.*

*"(ii) If additional funds become available for making payments under subparagraph (A) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.*

*"(3) STATE RESERVE.—(A) For each fiscal year each State may reserve not more than 2 percent of the funds such State receives to carry out this part to award grants to local educational agencies that—*

*"(i) are not eligible for assistance under paragraph (1); and*

*"(ii) serve a school attendance area for which the percentage of children counted under subsection (b)(1) that are enrolled in the schools in such area exceeds—*

*"(I) the percentage of such children in the State; or*

*"(II) 25 percent.*

*"(B) The total amount of funds awarded to each local educational agency receiving a grant under this paragraph when added to funds made available under paragraph (2) shall not exceed—*

*"(i) for fiscal year 1995, the amount such agency received under this part's predecessor authority in the preceding fiscal year; and*

*"(ii) for fiscal year 1996 and each succeeding fiscal year, the average amount received per child under this part in the State multiplied by the number of children counted under subsection (b)(1) in such agency's school attendance areas described in subparagraph (A)(ii).*

*"(C) Each State awarding grants under this paragraph shall distribute such grants to local educational agencies in rank order based on the percentage of children from low-income families in each local educational agency's school attendance area described in subparagraph (A)(ii).*

"(D) Each local educational agency receiving a grant under this paragraph only shall use such grants funds to serve school attendance areas described in subparagraph (A)(ii).

"(E) In order to receive a grant under this paragraph a local educational agency shall provide an assurance to the State educational agency serving such local educational agency that such local educational agency has not modified the student assignment practices of such local educational agency so as to increase the percentage of children from low-income families in each school for which assistance is sought under this paragraph.

"(b) LOCAL EDUCATIONAL AGENCY ALLOCATIONS.—

"(1) CHILDREN TO BE COUNTED.—(A) The number of children counted for purposes of this section is the aggregate of—

"(i) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level; and

"(ii) the number of children aged 5 to 17, inclusive, in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to subpart 3 of part E for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(B) In determining the number of children eligible to be counted under subparagraph (A), a State educational agency shall use for each local educational agency served by such State educational agency—

"(i) data from the Bureau of the Census regarding the number of children determined in accordance with section 1123(c)(1)(B);

"(ii) data based on the sum of—

"(I) the number of children from families receiving aid to families with dependent children under part A of title IV of the Social Security Act; and

"(II) the number of children with limited-English proficiency served by such agency divided by three; or

"(iii) data based on other poverty criteria, including combinations of the data described in clauses (i) and (ii) and combinations of the data described in either such clause and other data, that the State educational agency deems appropriate and the Secretary approves, adjusted to be equivalent in proportion to the number of children determined in accordance with section 1123(c)(1)(B) in the State, except that the State educational agency may submit to the Secretary for approval alternative data that more accurately target poverty.

"(2) ABSORPTION.—In determining the number of children to be counted under this paragraph for each local educational agency, the State educational agency shall subtract 1 percent of the total number of children aged 5 to 17, inclusive, served by such local educational agency from the number of children counted under paragraph (1) for such local educational agency.

"(3) WEIGHTED CHILDREN.—From funds made available under section 1123, each State educational agency shall allocate such funds to local educational agencies in the State on the basis of the number of children counted under paragraph (2) for a local educational agency multiplied by the weighting factor for the local educational agency. The weighting factor shall be established on the basis of the percentage that the number of children counted under paragraph (2) represents of the total population aged 5 to 17, inclusive, in the local educational agency or the number of such children. Weighted pupil counts shall be calculated based upon both percentage and number and the larger of the two counts shall be used in calculating grants for each local educational agency. Weighting factors shall be assigned according to the following scale, except that a State educational agency may submit to the Secretary for approval State-specific quintiles for use in the following percentages or numbers for the State if the use of such quintiles more accurately targets poverty: if the percentage is greater than 0 but less than 14.265, the weighting factor shall be 1.00 for all children counted under paragraph (2); if the percentage is greater than 14.265 but less than 21.553, the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population and 1.150 for children counted under paragraph (2) in excess of 14.265 percent of the total school age population; if the percentage is greater than 21.553 percent but less than 29.223 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, and 1.300 for children counted under paragraph (2) in excess of 21.553 percent of the total school age population; if the percentage is greater than 29.223 percent but less than 36.538 percent, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, 1.30 for a number of children counted under paragraph (2) equal to 7.67 percent of the total school age population, and 1.450 for children counted under paragraph (2) in excess of 29.223 percent of the total school age population; and if the percentage is greater than 36.538, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 14.265 percent of the total school age population, 1.150 for a number of children counted under paragraph (2) equal to 7.288 percent of the total school age population, 1.300 for a number of children counted under paragraph (2) equal to 7.67 percent of the total school age population, 1.450 for a number of children counted under paragraph (2) equal to 7.315 percent of the total school age population, and 1.600 for children counted under paragraph (2) in excess of 36.538 percent of the total school age population. Separately, if the number of children counted under paragraph (2) is greater than 0 but less than 575, the weighting factor shall be 1.00 for all children counted under paragraph (2); if the number is greater than 575 but less than 1,870, the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, and 1.10 for children counted under paragraph (2) in excess of 575; if the number is greater than 1,870 but less than 6,910, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, and 1.20 for children counted under paragraph (2) in excess of 1,870; if the number is greater than 6,910 but less than 42,000 then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, 1.20 for a number of children counted under paragraph (2) equal to 5,040, and 1.30 for children counted under paragraph (2) in excess of 6,910; and if the number is greater than 42,000, then the weighting factor shall be 1.00 for a number of children counted under paragraph (2) equal to 575, 1.10 for a number of children counted under paragraph (2) equal to 1,295, 1.20 for a number of children counted under paragraph (2) equal to 5,040, 1.30 for a number of children counted under paragraph (2) equal to 35,090 and 1.40 for children counted under paragraph (2) in excess of 42,000.

"(4) GEOGRAPHIC CIRCUMSTANCES.—In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those local educational agencies among those local educational agencies in such manner as the State educational agency determines will best carry out the purposes of this part.

"(5) SPECIAL ALLOCATION PROCEDURES.—Upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children described in clause (ii) of section 1123(c)(1)(A), who are living in institutions for neglected or delinquent children, the State educational agency shall, if the State educational agency assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Secretary, which does assume such responsibility, shall be eligible to receive such portion of the allocation.

"(6) SPECIAL RULE.—A local educational agency may reserve not more than 2 percent of the funds such agency receives under this part for each fiscal year to provide services at the discretion of the highest administrative official (superintendent) of such agency and consistent with the purposes of this title to a school, if the school is within two rank orders described in section 1113(c) of the lowest such rank ordered school served under this part.

## "PART B—TRANSITION TO SUCCESS

### "SEC. 1201. TRANSITION TO SUCCESS.

"(a) SHORT TITLE.—This part may be cited as the 'Transitions to Success Act of 1994'.

"(b) TRANSITION TO SUCCESS CHALLENGE GRANTS.—

"(1) FUNDING.—(A) Notwithstanding any other provision of law, from amounts appropriated to carry out part A for each fiscal year the Secretary shall reserve 1 percent of the total amount made available to all States under such part for such fiscal year, to carry out this part for such year.

"(B) From amounts reserved under subparagraph (A) the Secretary shall make available to each State 1 percent of the amount made available to each State under part A, to carry out this part.

"(2) STATE INCENTIVE REQUIREMENTS.—(A) In order for a State to use the funds made available under paragraph (1), the State shall submit a transition coordinated services proposal to the Secretary as part of the plan submitted under section 1111.

"(B) If a State fails to submit an acceptable proposal described in subparagraph (A)(i), local educational agencies within the State may apply to the Secretary directly for funds to carry out this part under such terms and conditions as the Secretary determines will best carry out the activities assisted under this part.

"(3) IN GENERAL.—From amounts made available under paragraph (1), each State educational agency shall make challenge grants to local educational agencies that have formed consortia with early childhood development programs including, where available, Head Start, to

*develop and operate programs that assist low-income elementary school students in kindergarten through third grade (giving priority to students entering their first year of elementary school) and their families in—*

*"(A) obtaining supportive services that build on the strength of families, including health, immunization, mental health, nutrition, parenting education, literacy, and social services (including substance abuse treatment, education, and prevention services); and*

*"(B) supporting the active involvement of parents in the education of their children.*

*"(4) SPECIAL RULE.—In awarding grants and administering the program assisted under this section, the State educational agency shall consult with the State liaison for the Head Start collaboration grant program under section 640(a)(5) of the Head Start Act and State agencies that administer early childhood development programs, including programs under the Child Care and Development Block Grant Act of 1990.*

*"(5) TERM OF GRANT.—Each grant awarded under this part shall be for a period of not more than 3 years.*

*"(c) CONSULTATION.—The Secretary shall consult with the Secretary of Health and Human Services to develop regulations and promote coordination of activities assisted under this part with the projects funded under the Head Start Transition Project Act, including a process to—*

*"(1) collect information on program activities and outcomes; and*

*"(2) disseminate information on model programs.*

*"(d) ELIGIBILITY.—*

*"(1) LOCAL EDUCATIONAL AGENCY CONSORTIUM.—A local educational agency shall be eligible for a grant under this part if such agency—*

*"(A) receives funds under part A;*

*"(B) has formed a consortium with one or more early childhood development programs that serve children who will enroll in any elementary school located within the school district of such local educational agency, including, where available, Head Start programs; and*

*"(C) agrees to contribute an amount equal to $1 of matching funds for every $1 made available to the local educational agency to carry out this part, which matching funds may include Federal funds, including funds made available under this Act, and State or local funds (including in-kind contributions, fairly evaluated).*

*"(2) COOPERATING AGENCY.—A nonprofit agency or institution of higher education with experience in early childhood development may participate in a consortium formed under paragraph (1)(B) in developing, operating, and evaluating programs assisted under this part, including developing or implementing model approaches to developmentally appropriate curricula.*

*"(e) FOLLOW THROUGH GRANTEES.—A local educational agency that is receiving assistance through a program under the Follow Through Act shall also be eligible for a grant under this part to complete their Follow Through grant cycle if such agency meets the requirements of subsection (d)(1).*

*"(f) REQUIREMENTS.—*

*"(1) IN GENERAL.—To the extent practicable, the State educational agency shall award grants under this part to consortia in both rural and urban areas.*

*"(2) CRITERIA.—In awarding grants under this part, the State educational agency shall consider—*

*"(A) the commitment of the members of the consortium to the program for which assistance under this part is requested;*

*"(B) the proportion of low-income children in the school attendance area where the program assisted under this part will be located; and*

*"(C) the quality of information and plans in the application.*

*"(3) PRIORITY.—In awarding grants under this part, the State educational agency shall give priority to applicants that—*

*"(A) will operate a program under this part at a school designated for a schoolwide program under section 1114;*

*"(B) serve local educational agencies that have the highest number or percentage of poor children; and*

*"(C) demonstrate a significant commitment by the community to the proposed program, as evidenced by the level of resources, both cash and in-kind, from other public and private sources available to the consortium.*

*"(g) APPLICATION.—*

*"(1) IN GENERAL.—Each local educational agency consortium seeking a grant under this part shall submit an application to the State educational agency according to guidelines established by the Secretary. Each such application shall include—*

*"(A) a description of the activities and services for which assistance is sought;*

*"(B) a description of members of the consortium formed under subsection (d)(1)(B), including any cooperating agency;*

*"(C) a self-assessment of the programs of the individual consortium members to address the health, immunization, mental health, nutrition, parenting education, literacy, social service (including substance abuse treatment, education, and prevention), and educational needs of low-income students and their families, including the use of a developmentally appropriate curricula, such as a model approach developed under the Follow Through Act;*

*"(D) a plan for the development of a supportive services team of family service coordinators to—*

*"(i) assist families, administrators, and teachers to respond to health, immunization, mental health, nutrition, social service, and educational needs of students;*

*"(ii) conduct home visits and help students and their families to obtain health, immunization, mental health, nutrition, parenting education, literacy, education (including tutoring and remedial services), and social services (including substance abuse treatment, education, and prevention), for which such students and their families are eligible;*

*"(iii) coordinate a family outreach and support program, including a plan for involving parents in the management of the program assisted under this part, in cooperation with parental involvement efforts undertaken pursuant to this title, the Head Start Act, and the Individuals with Disabilities Education Act, including school-parent compacts, parent volunteer activities, parent education services such as the Even Start program, and regular meetings;*

*"(iv) assist families, administrators, and teachers in enhancing developmental continuity between the programs assisted under the Head Start Act, other early childhood development programs, and elementary school classes; and*

*"(v) prepare a plan for the transition of each child from Head Start, or other early childhood development program, to kindergarten, including—*

*"(I) a meeting of the early childhood development program teacher with the kindergarten teacher and the child's parents to discuss the transition of each child and to address any particular educational needs of such child; and*

*"(II) the transfer of knowledge about the child, including the transfer (with parental consent) of written records from the early childhood development program teacher to the kindergarten teacher to become part of the school record of the child;*

*"(E) the designation of a member of the supportive services team described in subparagraph (D) who will serve as the supervisor of such supportive services team;*

*"(F) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency consortium have been consulted in the preparation of the plan described in subparagraph (D);*

*"(G) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by the local educational agency consortium will designate an individual who will act as a liaison to the supportive services team described in subparagraph (D);*

*"(H) a description of the target population to be served by the supportive services team described in subparagraph (D), including families previously served under part C, the Head Start Act, or other comparable early childhood development program;*

*"(I) a description of the supportive services to be provided, directly or through referral;*

*"(J) a plan to ensure the smooth transition of children served under part C, the Head Start Act, the Individuals with Disabilities Education Act, and other comparable early childhood development programs, to elementary schools;*

*"(K) assurances that, and a plan describing how, families will be involved in the design and operation of the program assisted under this part;*

*"(L) a description of the Federal and non-Federal resources that will be used to carry out the program;*

*"(M) if the applicant is receiving assistance through a program under the Follow Through Act—*

*"(i) a description of the activities that will be funded under this part and the activities that are funded with assistance provided under the Follow Through Act; and*

*"(ii) a description of the manner in which activities funded under this part and activities funded with assistance provided under the Follow Through Act will be coordinated within the elementary school;*

*"(N) assurances that the supportive services described in subparagraph (D) will be equipped to assist children and families with limited-English proficiency and disabilities, if appropriate;*

*"(O) a plan describing how the program assisted under this part will be sustained, with funding received under part A or other Federal and non-Federal funding sources, after the grant has expired;*

*"(P) program goals and a methodology to measure progress toward achieving such goals; and*

*"(Q) such other information as the Secretary may reasonably require.*

*"(2) SPECIAL RULE.—Each supportive services team developed pursuant to paragraph (1)(D) shall include at least 1 family service coordinator for every 35 children to be served.*

*"(h) EVALUATION AND REPORT.—*

*"(1) EVALUATION.—The Secretary, in cooperation with the Secretary of Health and Human Services shall, through grants, contracts, or cooperative agreements, provide for the evaluation of the programs assisted under this part. To the extent practicable, such evaluation shall be conducted jointly with evaluations of the Head Start Transition Projects.*

*"(2) INFORMATION.—Each State educational agency shall furnish to the Secretary such information as the Secretary shall request to carry out the evaluation described in paragraph (1).*

***"SEC. 1202. COORDINATION REQUIREMENTS.***

*"(a) IN GENERAL.—Each local educational agency receiving assistance under section 1113 may use such assistance to carry out the activities described in subsection (b) to the extent feasible and appropriate to the circumstances, including the extent to which such local educational agency is able to secure the cooperation*

*of parents and local Head Start agencies and, if feasible, other early childhood development programs.*

*"(b) ACTIVITIES.—The activities referred to in subsection (a) are activities that increase coordination between the local educational agency and a Head Start agency, and, if feasible, other early childhood development programs, serving children who will attend the schools of such agency, including—*

*"(1) developing and implementing a systematic procedure for receiving records regarding such children transferred with parental consent from a Head Start program or, where applicable, other early childhood development programs;*

*"(2) establishing channels of communication between school staff and their counterparts in such Head Start agencies (including teachers, social workers, and health staff) or other early childhood development programs, as appropriate, to facilitate coordination of programs;*

*"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers or, if appropriate, teachers from other early childhood development programs, to discuss the developmental and other needs of individual children; and*

*"(4) organizing and participating in joint transition related training of school staff, Head Start staff, and, where appropriate, other early childhood staff.*

*"(c) COORDINATION OF REGULATIONS.—The Secretary shall work with the Secretary of Health and Human Services to coordinate regulations promulgated under this part with regulations promulgated under the Head Start Act Amendments of 1994.*

***"SEC. 1203. DEFINITIONS.***

*"As used in this part:*

*"(1) DEVELOPMENTALLY APPROPRIATE CURRICULUM.—The term 'developmentally appropriate curriculum' means a curriculum that is appropriate for the age and all areas of individual development of a child, including educational, physical, emotional, social, and cognitive development, and communication.*

*"(2) FAMILY SERVICES COORDINATOR.—The term 'family services coordinator' means an individual who is trained to assist families in obtaining supportive services. Such individual may be an existing employee of a local educational agency or Head Start agency.*

*"(3) HEAD START AGENCY.—The term 'Head Start agency' means any agency designated as a Head Start agency under the Head Start Act (42 U.S.C. 9831 et seq.).*

*"(4) SUPPORTIVE SERVICES.—The term 'supportive services' means services that will enhance the physical, social, emotional, and intellectual development of low-income children, including the provision of necessary support to the parents and other family members of such children.*

***"PART C—EVEN START FAMILY LITERACY PROGRAMS***

***"SEC. 1301. STATEMENT OF PURPOSE.***

*"It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as 'Even Start'. The program shall—*

*"(1) be implemented through cooperative projects that build on existing community resources to create a new range of services;*

*"(2) promote achievement of the National Education Goals; and*

*"(3) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards.*

***"SEC. 1302. PROGRAM AUTHORIZED.***

*"(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—In each fiscal year, the Secretary shall reserve not more than 5 percent of the amount appropriated under section 1002(b) for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—*

*"(1) children of migratory workers;*

*"(2) the outlying areas; and*

*"(3) Indian tribes and tribal organizations.*

*"(b) RESERVATION FOR FEDERAL ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) for the fiscal year 1994, whichever is greater, for purposes of—*

*"(1) carrying out the evaluation required by section 1309; and*

*"(2) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.*

*"(c) RESERVATION FOR GRANTS.—*

*"(1) GRANTS AUTHORIZED.—In any fiscal year in which the amount appropriated to carry out this part exceeds the amount appropriated to carry out this part for the preceding fiscal year, the Secretary may reserve such funds in excess of the amount appropriated for such preceding fiscal years as do not exceed $1,000,000 to award grants, on a competitive basis, to States to enable such States to plan and implement, through literacy resource centers assisted under subpart 7 of part B of the Adult Education Act, statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local literacy resources consistent with the purposes of this part.*

*"(2) MATCHING REQUIREMENT.—The Secretary shall not make a grant to a State under paragraph (1) unless the State agrees that, with respect to the costs to be incurred by the eligible consortium in carrying out the activities for which the grant was awarded, the State will make available non-Federal contributions in an amount equal to not less than the Federal funds provided under the grant.*

*"(d) STATE ALLOCATION.—*

*"(1) IN GENERAL.—From amounts appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c), the Secretary shall make grants to States from allocations under paragraph (2).*

*"(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated under section 1122 to that State bears to the total amount allocated under that section to all the States.*

*"(3) MINIMUM.—No State shall receive a grant under paragraph (1) in any fiscal year in an amount which is less than $250,000, or one-half of 1 percent of the amount appropriated under section 1002(b) and not reserved under subsections (a), (b), and (c) for such year, whichever is greater.*

*"(e) DEFINITIONS.—For the purpose of this part—*

*"(1) the term 'eligible entity' means a partnership composed of both—*

*"(A) a local educational agency; and*

*"(B) a nonprofit community-based organization, a public agency, an institution of higher education, or a public or private nonprofit organization of demonstrated quality;*

*"(2) the term 'eligible organization' means any public or private nonprofit organization with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;*

*"(3) the terms 'Indian tribe' and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and*

*"(4) the term 'State' includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.*

***"SEC. 1303. STATE PROGRAMS.***

*"(a) STATE LEVEL ACTIVITIES.—Each State that receives a grant under section 1302(d)(1) may use not more than 5 percent of the grant funds for the costs of—*

*"(1) administration; and*

*"(2) providing, through one or more subgrants or contracts, technical assistance for program improvement and replication, to eligible entities that receive subgrants under subsection (b).*

*"(b) SUBGRANTS FOR LOCAL PROGRAMS.—*

*"(1) IN GENERAL.—Each State shall use the grant funds received under section 1302(d)(1) and not reserved under subsection (a) to award subgrants to eligible entities to carry out Even Start programs.*

*"(2) MINIMUM.—No State shall award a subgrant under paragraph (1) in an amount less than $75,000, except that a State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in amounts of $75,000 or greater, less than $75,000 is available to the State to award such subgrants.*

***"SEC. 1304. USES OF FUNDS.***

*"(a) IN GENERAL.—In carrying out a program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing family-centered education programs that involve parents and children in a cooperative effort to help parents obtain educational skills and become full partners in the education of their children and to assist children in reaching their full potential as learners.*

*"(b) FEDERAL SHARE LIMITATION.—*

*"(1) IN GENERAL.—(A) Except as provided in paragraph (2), the Federal share under this part may not exceed—*

*"(i) 90 percent of the total cost of the program in the first year that such program receives assistance under this part or its predecessor authority;*

*"(ii) 80 percent in the second such year;*

*"(iii) 70 percent in the third such year;*

*"(iv) 60 percent in the fourth such year; and*

*"(v) 50 percent in any subsequent such year.*

*"(B) The remaining cost of a program assisted under this part may be provided in cash or in kind, fairly evaluated.*

*"(2) WAIVER.—The State educational agency may waive, in whole or in part, the cost-sharing requirement described in paragraph (1) for an eligible entity if such entity—*

*"(A) demonstrates that such entity otherwise would not be able to participate in the program assisted under this part; and*

*"(B) negotiates an agreement with the State educational agency with respect to the amount of the remaining cost to which the waiver will be applicable.*

*"(3) PROHIBITION.—Federal funds provided under this part may not be used for the indirect costs of a program assisted under this part, except that the Secretary may waive this paragraph if an eligible recipient of funds reserved under section 1302(a)(3) demonstrates to the Secretary's satisfaction that such recipient otherwise would not be able to participate in the program assisted under this part.*

**"SEC. 1305. PROGRAM ELEMENTS.**

"Each program assisted under this part shall—

"(1) include the identification and recruitment of those families most in need of services provided under this part, as indicated by a low level of income, a low level of adult literacy or English language proficiency of a parent who is an eligible participant, and other need-related indicators;

"(2) include screening and preparation of parents, including teenage parents, and children to enable such parents and children to participate fully in the activities and services provided under this part, including testing, referral to necessary pupil services, and other developmental and support services;

"(3) be designed to accommodate the participants' work and other responsibilities, including the provision of pupil services (when such pupil services are unavailable from other sources) necessary for participation in the activities assisted under this part, such as—

"(A) scheduling and location of services to allow joint participation by parents and children;

"(B) child care for the period that parents are involved in the program provided under this part; and

"(C) transportation for the purpose of enabling parents and their children to participate in programs authorized by this part;

"(4) include high-quality instructional programs that promote adult literacy, training of parents to support the educational growth of their children, developmentally appropriate early childhood educational services, and preparation of children for success in regular school programs;

"(5) include qualified personnel to develop, administer, and implement the program assisted under this part;

"(6) include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;

"(7) provide and monitor integrated instructional services to participating parents and children through home-based programs;

"(8) operate on a year-round basis, including the provision of some instructional or enrichment services during the summer months;

"(9) be coordinated with—

"(A) other programs assisted under this title and Act;

"(B) any relevant programs under the Adult Education Act, the Individuals with Disabilities Education Act, and the Job Training Partnership Act; and

"(C) the Head Start program, volunteer literacy programs, and other relevant programs;

"(10) ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(11) provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities;

"(12) encourage eligible participants to remain in the program for a time sufficient to meet the program's purpose; and

"(13) provide for an independent evaluation of the program.

**"SEC. 1306. ELIGIBLE PARTICIPANTS.**

"(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

"(1) a parent or parents—

"(A) who are eligible for participation in an adult basic education program under the Adult Education Act; or

"(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this part; and

"(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

"(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

"(1) IN GENERAL.—Family members of eligible participants described in subsection (a) may participate in activities and services provided under this part, when appropriate to serve the purpose of this part.

"(2) SPECIAL RULE.—Any family participating in a program assisted under this part that becomes ineligible for such participation as a result of one or more members of the family becoming ineligible for such participation may continue to participate in the program until all members of the family become ineligible for such participation, which—

"(A) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of eight, shall be in two years or when the parent or parents become ineligible due to educational advancement, whichever occurs first; and

"(B) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of eight.

**"SEC. 1307. APPLICATIONS.**

"(a) SUBMISSION.—To be eligible to receive a subgrant under this part, an eligible entity shall submit an application to the State educational agency in such form and containing or accompanied by such information as the State educational agency shall require.

"(b) PLAN.—

"(1) IN GENERAL.—Each such application shall include—

"(A) a description of the program goals;

"(B) a description of the activities and services that will be provided under the program, including a description of how the program will incorporate the program elements required by section 1305;

"(C) a description of the population to be served and an estimate of the number of participants to be served;

"(D) as appropriate, a description of the applicant's collaborative efforts with institutions of higher education, community-based organizations, the State educational agency, private elementary schools, or eligible organizations in carrying out the program for which assistance is sought; and

"(E) a statement of the methods that will be used—

"(i) to ensure that the programs will serve those families most in need of the activities and services provided by this part;

"(ii) to provide services under this part to individuals with special needs, such as individuals with limited-English proficiency and individuals with disabilities; and

"(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose.

"(2) DURATION OF THE PLAN.—Each plan submitted under paragraph (1)(A) shall—

"(A) remain in effect for the duration of the eligible entity's participation under this part; and

"(B) be periodically reviewed and revised by the eligible entity as necessary.

**"SEC. 1308. AWARD OF SUBGRANTS.**

"(a) SELECTION PROCESS.—

"(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with subsection (b) that will approve applications that—

"(A) are most likely to be successful in—

"(i) meeting the purpose of this part; and

"(ii) effectively implementing the program elements required under section 1305;

"(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and families who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited-English proficiency, or other need-related indicators, including a high percentage of children to be served by the program who reside in a school attendance area eligible for participation in programs under part A of this title;

"(C) provide services for at least a three-year age range;

"(D) demonstrate the greatest possible cooperation and coordination between a variety of relevant service providers in all phases of the program;

"(E) include cost-effective budgets, given the scope of the application;

"(F) demonstrate the applicant's ability to provide the remaining cost required by section 1304(b);

"(G) are representative of urban and rural regions of the State; and

"(H) show the greatest promise for providing models that may be adopted by other local educational agencies.

"(2) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and one of the following individuals:

"(A) A representative of a parent-child education organization.

"(B) A representative of a community-based literacy organization.

"(C) A member of a local board of education.

"(D) A representative of business and industry with a commitment to education.

"(E) An individual who has been involved in the implementation of programs under this title in the State.

"(3) PRIORITY.—The State educational agency shall give priority to awarding subgrants under this subsection to applications describing programs that—

"(A) target services primarily to families whose children reside in attendance areas of schools eligible for schoolwide programs under section 1114; or

"(B) are located in areas designated as empowerment zones or enterprise communities.

"(b) DURATION.—

"(1) IN GENERAL.—Subgrants under this part may be awarded for a period not to exceed four years.

"(2) STARTUP PERIOD.—The State educational agency may provide an eligible recipient, at such recipient's request, a 3- to 6-month startup period during the first year of the 4-year grant period, which may include staff recruitment and training, and the coordination of services, before requiring full implementation of the program.

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part for the second, third, or fourth year, the State educational agency shall review the progress being made toward meeting the objectives of the program after the conclusion of the startup period, if any.

"(4) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this part may reapply under this part for a second subgrant period.

"(B) The Federal share of any subgrant renewed under subparagraph (A) shall not exceed 50 percent in any fiscal year.

"(5) INSUFFICIENT PROGRESS.—The State educational agency may refuse to award subgrant funds if such agency finds that sufficient progress has not been made toward meeting

*such objectives, but only after affording the applicant notice and an opportunity for a hearing.*

**"SEC. 1309. EVALUATION.**

*"From funds reserved under section 1302(b)(1), the Secretary shall provide for an independent evaluation of programs assisted under this part—*

*"(1) to determine the performance and effectiveness of programs assisted under this part; and*

*"(2) to identify effective programs assisted under this part that can be duplicated and used in providing technical assistance to Federal, State, and local programs.*

**"SEC. 1310. CONSTRUCTION.**

*"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving students participating in Even Start simultaneously with students with similar educational needs, in the same educational settings where appropriate.*

**"PART D—EDUCATION OF MIGRATORY CHILDREN**

**"SEC. 1401. PROGRAM PURPOSE.**

*"It is the purpose of this part to assist States to—*

*"(1) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves;*

*"(2) ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner;*

*"(3) ensure that migratory children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;*

*"(4) design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment; and*

*"(5) ensure that migratory children benefit from State and local systemic reforms.*

**"SEC. 1402. PROGRAM AUTHORIZED.**

*"(a) IN GENERAL.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies, or combinations of such agencies, to establish or improve, directly or through local operating agencies, programs of education for migratory children in accordance with this part.*

*"(b) DEFINITIONS.—As used in this part—*

*"(1) the term 'local operating agency' means—*

*"(A) a local educational agency to which a State educational agency makes a subgrant under this part;*

*"(B) a public or private nonprofit agency with which a State educational agency or the Secretary makes an arrangement to carry out a program or project under this part; or*

*"(C) a State educational agency, if the State educational agency operates the State's migrant education program or projects directly; and*

*"(2) the term 'migratory child' means a child who is, or whose parent or guardian is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 48 months, in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing work—*

*"(A) has moved from one school district to another;*

*"(B) in a State that is comprised of a single school district, has moved from one administrative area to another within such district; or*

*"(C) resides in a school district of more than 15,000 square miles, and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity.*

**"SEC. 1403. STATE ALLOCATIONS.**

*"(a) STATE ALLOCATIONS.—Each State (other than the Commonwealth of Puerto Rico) is eligible to receive an allocation under this part, for each fiscal year, in an amount equal to—*

*"(1) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by*

*"(2) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.*

*"(b) ALLOCATION TO PUERTO RICO.—For each fiscal year, the amount for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to—*

*"(1) the number of migratory children in Puerto Rico, determined under subsection (a)(1); multiplied by*

*"(2) the product of—*

*"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and*

*"(B) 32 percent of the average per-pupil expenditure in the United States.*

*"(c) RATABLE REDUCTIONS; REALLOCATIONS.—*

*"(1) IN GENERAL.—(A) If, after the Secretary reserves funds under section 1408(c), the amount appropriated to carry out this part for any fiscal year is insufficient to pay in full the amounts for which all States are eligible, the Secretary shall ratably reduce each such amount.*

*"(B) If additional funds become available for making such payments for any fiscal year, the Secretary shall allocate such funds to States in amounts that the Secretary determines will best carry out the purpose of this part.*

*"(2) SPECIAL RULE.—(A) The Secretary shall further reduce the amount of any grant to a State under this part for any fiscal year if the Secretary determines, based on available information on the numbers and needs of migratory children in the State and the program proposed by the State to address those needs, that such amount is not needed by the State.*

*"(B) The Secretary shall reallocate such excess funds to other States whose grants under this part would otherwise be insufficient to provide an appropriate level of services to migratory children, in such amounts as the Secretary determines are appropriate.*

*"(d) CONSORTIUM ARRANGEMENTS.—*

*"(1) IN GENERAL.—In the case of any State that receives a grant of $500,000 or less under this section, the Secretary shall consult with the State educational agency to determine whether consortium arrangements with another State or another appropriate entity would result in delivery of services in a more effective and efficient manner.*

*"(2) PROPOSALS.—Any State, regardless of the amount of such State's allocation, may submit a consortium arrangement to the Secretary for approval.*

*"(3) APPROVAL.—The Secretary shall approve a consortium arrangement under paragraph (1) or (2) if the proposal demonstrates that the arrangement will—*

*"(A) reduce administrative costs or program function costs for State programs; and*

*"(B) make more funds available for direct services to add substantially to the welfare or educational attainment of children to be served under this part.*

*"(e) DETERMINING NUMBERS OF ELIGIBLE CHILDREN.—In order to determine the estimated number of migratory children residing in each State for purposes of this section, the Secretary shall—*

*"(1) use such information as the Secretary finds most accurately reflects the actual number of migratory children; and*

*"(2) adjust the full-time equivalent number of migratory children who reside in each State to take into account—*

*"(A) the special needs of those children participating in special programs provided under this part that operate during the summer or other intersession periods; and*

*"(B) the additional costs of operating such programs.*

**"SEC. 1404. STATE APPLICATIONS; SERVICES.**

*"(a) APPLICATION REQUIRED.—Any State wishing to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.*

*"(b) PROGRAM INFORMATION.—Each such application shall include—*

*"(1) a description of how, in planning, implementing, and evaluating programs and projects assisted under this part, the State and its local operating agencies will ensure that the special educational needs of migratory children, including preschool migratory children, are identified and addressed through a comprehensive plan for needs assessment and service delivery that meets the requirements of section 1406;*

*"(2) a description of the steps the State is taking to provide all migratory students with the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children are expected to meet;*

*"(3) a description of how the State will use its funds to promote interstate and intrastate coordination of services for migratory children, including how, consistent with procedures the Secretary may require, the State will provide for educational continuity through the timely transfer of pertinent school records, including information on health, when children move from one school to another, whether or not such move occurs during the regular school year;*

*"(4) a description of the State's priorities for the use of funds received under this part, and how such priorities relate to the State's assessment of needs for services in the State; and*

*"(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies and the amount of funds that such agencies will provide to individual schools, taking into account the requirements of paragraph (1).*

*"(c) ASSURANCES.—Each such application shall also include assurances, satisfactory to the Secretary, that—*

*"(1) such programs and projects will be carried out in a manner consistent with the objectives of sections 1114, 1115(b), 1115(e), 1117, 1120(b), and 1120(c), and part G;*

*"(2) in the planning and operation of such programs and projects at both the State and local operating agency level, there is appropriate consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out, to the extent feasible, in a manner consistent with section 1116;*

*"(3) the effectiveness of such programs and projects will be determined, where feasible, using the same approaches and standards that will be used to assess the performance of students, schools, and local educational agencies under part A; and*

*"(4) to the extent feasible, such programs and projects will provide for—*

"(A) advocacy and outreach activities for migratory children and their families, including informing such children and families of, or helping such children and families gain access to, other education, health, nutrition, and social services;

"(B) professional development programs, including mentoring, for teachers and other program personnel;

"(C) family literacy programs, including such programs that use models developed under Even Start;

"(D) the integration of information technology into educational and related programs; and

"(E) programs to facilitate the transition of secondary school students to postsecondary education or employment; and

"(5) the State will assist the Secretary in determining the number of migratory children under section 1403(e), through such procedures as the Secretary may require.

"(d) PRIORITY FOR SERVICES.—In providing services with funds received under this part, each recipient of such funds shall give priority to migratory children who are failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards, and whose education has been interrupted during the regular school year.

"(e) CONTINUATION OF SERVICES.—Notwithstanding any other provision of this part—

"(1) a child who ceases to be a migratory child during a school term shall be eligible for services until the end of such term; and

"(2) a child who is no longer a migratory child may continue to receive services for one additional school year, but only if comparable services are not available through other programs.

**"SEC. 1405. SECRETARIAL APPROVAL; PEER REVIEW.**

"(a) SECRETARIAL APPROVAL.—The Secretary shall approve each application under this part that meets the requirements of this part.

"(b) PEER REVIEW.—The Secretary may review any application under this part with the assistance and advice of State officials and other individuals with relevant expertise.

**"SEC. 1406. COMPREHENSIVE NEEDS ASSESSMENT AND SERVICE-DELIVERY PLAN; AUTHORIZED ACTIVITIES.**

"(a) COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—Each State that receives assistance under this part shall ensure that the State and its local operating agencies identify and address the special educational needs of migratory children in accordance with a comprehensive State plan that—

"(A) provides that migratory children will have an opportunity to meet the same challenging State content standards and challenging State student performance standards, set out in such plans, that all children are expected to meet;

"(B) specifies measurable program goals and outcomes;

"(C) encompasses the full range of services that are available for migratory children from appropriate local, State and Federal educational programs;

"(D) is the product of joint planning among such local, State, and Federal programs, including programs under part A, early childhood programs, and bilingual education programs under part A of title VII; and

"(E) provides for the integration of services available under this part with services provided by such other programs.

"(2) DURATION OF THE PLAN.—Each such comprehensive State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(b) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—In implementing the comprehensive plan described in subsection (a), each local operating agency shall have the flexibility to determine the activities to be provided with funds made available under this part, except that—

"(A) before funds under this part are used to provide services described in subparagraph (B), such funds shall be used to meet the identified needs of migratory children that—

"(i) result from the effects of their migratory lifestyle, or are needed to permit migratory children to participate effectively in school; and

"(ii) are not addressed by services provided under other programs, including programs under part A;

"(B) all migratory children who are eligible to receive services under part A shall receive such services with funds provided under this part or under part A; and

"(C) funds received under this part shall be used only—

"(i) for programs and projects, including the acquisition of equipment, in accordance with section 1406(b)(1); and

"(ii) to coordinate such programs and projects with similar programs and projects within the State and in other States, as well as with other Federal programs that can benefit migratory children and their families.

"(2) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local operating agency from serving migrant students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(3) INAPPLICABILITY.—This subsection shall not apply to funds under this part that are used for schoolwide programs under section 1114.

**"SEC. 1407. BYPASS.**

"The Secretary may use all or part of any State's allocation under this part to make arrangements with any public or nonprofit agency to carry out the purpose of this part in such State if the Secretary determines that—

"(1) the State is unable or unwilling to conduct educational programs for migratory children;

"(2) such arrangements would result in more efficient and economic administration of such programs; or

"(3) such arrangements would add substantially to the welfare or educational attainment of such children.

**"SEC. 1408. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.**

"(a) IMPROVEMENT OF COORDINATION.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, may make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, and other public and private entities to improve the interstate and intrastate coordination among such agencies' educational programs, including the establishment or improvement of programs for credit accrual and exchange, available to migratory students.

"(2) EXTENSION.—The Secretary may extend until January 1, 1996 the contract for the operation of the migrant student record transfer system under section 1203(a)(2)(A) of this Act (as such section was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994).

"(b) REPORT.—Not later than October 1, 1995, the Secretary shall submit a report to the Congress regarding the effectiveness of methods used by States to transfer migratory students' educational and health records.

"(c) AVAILABILITY OF FUNDS.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve not more than $6,000,000 of the amount appropriated to carry out this part for such year.

"(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section, the Secretary may reserve not more than $1,500,000 to award grants in amounts of not more than $100,000 to each State educational agency entering into a consortium agreement described in section 1403(d).

**"PART E—EDUCATION FOR NEGLECTED AND DELINQUENT YOUTH**

**"SEC. 1501. PURPOSE; PROGRAM AUTHORIZED.**

"(a) PURPOSE.—It is the purpose of this part to—

"(1) improve educational services to children in institutions for neglected or delinquent children so that such children have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State will be expected to meet; and

"(2) provide such children the services such children need to make a successful transition from institutionalization to further schooling or employment.

"(b) PROGRAM AUTHORIZED.—In order to carry out the purpose of this part, the Secretary shall make grants to State educational agencies to enable such State educational agencies to award subgrants to State agencies to establish or improve programs of education for neglected or delinquent children in accordance with this part.

**"SEC. 1502. ELIGIBILITY.**

"A State agency is eligible for assistance under this part if such State agency is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children;

"(2) attending community day programs for neglected or delinquent children; or

"(3) in adult correctional institutions.

**"SEC. 1503. ALLOCATION OF FUNDS.**

"(a) SUBGRANTS TO STATE AGENCIES.—

"(1) IN GENERAL.—Each State agency described in section 1502 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this part, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children described in section 1502 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children; or

"(II) in community day programs for neglected or delinquent children; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, or more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) SPECIAL RULE.—The number of neglected or delinquent children determined under paragraph (1) shall—

"(A) be determined by the State agency by a date or dates set by the Secretary, except that no State agency shall be required to determine the number of such children on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this part shall be equal to—

"(1) the number of children counted under subsection (a)(1) for Puerto Rico; multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"(d) PAYMENTS TO STATE EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—The Secretary shall pay to each State educational agency the total amount needed to make subgrants to State agencies in that State, as determined under this section.

"(2) ADMINISTRATIVE EXPENSES.—Each State educational agency may retain a portion of such total amount for State administration of, in accordance with section 1701(b).

**"SEC. 1504. STATE REALLOCATION OF FUNDS.**

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this part for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other State agencies that need additional funds to carry out the purpose of this part, in such amounts as the State educational agency shall determine.

**"SEC. 1505. STATE PLAN AND STATE AGENCY APPLICATIONS.**

"(a) STATE PLAN.—

"(1) IN GENERAL.—Each State educational agency that desires to receive payments under this part shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children, which shall be revised and updated as needed to satisfy the requirements of this section.

"(2) CONTENTS.—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection; and

"(ii) carry out the evaluation requirements of section 1509 of this part.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under part A, to assess the educational needs of the children to be served;

"(2) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(3) describes how the program will meet the goals and objectives of the State plan under this part;

"(4) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1507 are of high quality;

"(5) describes how the agency will carry out the evaluation requirements of section 1509 and how the results of the most recent evaluation were used to plan and improve the program;

"(6) includes data showing that the State agency has maintained fiscal effort as if such agency were a local educational agency, in accordance with section 10501;

"(7) describes how the programs will be coordinated with other State and Federal programs administered by the State agency;

"(8) describes how appropriate professional development will be provided to teachers and other staff; and

"(9) designates an individual in each affected institution to be responsible for issues relating to the transition of children from the institution to locally operated programs.

**"SEC. 1506. USE OF FUNDS.**

"(a) IN GENERAL.—

"(1) IN GENERAL.—A State agency shall use funds received under this part only for programs and projects that—

"(A) are consistent with the State plan described in section 1505(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to further education or employment.

"(2) USES.—Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1507, are provided to children identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children by the State agency; and

"(iii) afford such children an opportunity to learn such standards;

"(C) shall be carried out in a manner consistent with section 1120(b) and part G; and

"(D) may include the costs of meeting the evaluation requirements of section 1509.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this part that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the 'supplement, not supplant' requirement of section 1120(b) without regard to the subject areas in which instruction is given during those hours.

**"SEC. 1507. INSTITUTION-WIDE PROJECTS.**

"(a) PROJECTS AUTHORIZED.—A State agency that provides free public education for children in an institution for neglected or delinquent children (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all individuals under the age of 21 in the institution or program;

"(2) describes the steps the State agency has taken, or will take, to provide all children under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that such children will complete secondary school and find employment after leaving the institution;

"(3) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

"(4) specifically describes how such funds will be used;

"(5) describes the measures and procedures that will be used to assess student progress;

"(6) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(7) includes an assurance that the State agency has provided for appropriate training to teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

"(b) PROJECTS REQUIRED.—Beginning with school year 1996–1997, a State agency described in subsection (a) shall use funds received under this part only for institution-wide projects described in that subsection, except as provided in section 1510.

**"SEC. 1508. THREE-YEAR PROJECTS.**

"If a State agency operates a program or project under this part in which individual children are likely to participate for more than one year, the State educational agency may approve the State agency's application for a subgrant under this part for a period of not more than three years.

**"SEC. 1509. PROGRAM EVALUATIONS.**

"(a) SCOPE OF EVALUATION.—Each State agency that conducts a program or project under this part shall evaluate the program or project at least once every three years, disaggregating data on participants by sex, and if feasible, race, ethnicity or age, to determine the program or project's impact on the ability of participants to—

"(1) maintain and improve educational achievement;

"(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

"(3) make the transition to a regular program or other education program operated by a local educational agency; and

"(4) complete secondary school and obtain employment after participants leave the institution.

"(b) EVALUATION MEASURES.—In conducting each such evaluation with respect to subsection (a)(1), a State agency shall use multiple and appropriate measures of student progress.

"(c) EVALUATION RESULTS.—Each State agency shall—

"(1) submit the results of each evaluation under this section to the State educational agency; and

"(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children.

**"SEC. 1510. TRANSITION SERVICES.**

"(a) TRANSITION SERVICES.—Each State agency may reserve not more than 10 percent of the amount such agency receives under this part for

*any fiscal year to support projects that facilitate the transition of children from State-operated institutions for neglected and delinquent children into locally operated programs.*

*"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.*

*"(c) LIMITATION.—Any funds reserved under subsection (a) shall be used only to provide special educational services, which may include pupil services and mentoring, to neglected and delinquent children in schools other than State-operated institutions.*

*"(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children simultaneously with students with similar educational needs, in the same educational settings where appropriate.*

***"SEC. 1511. DEFINITIONS.***

*"For the purpose of this part—*

*"(1) the term 'adult correctional institution' means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age;*

*"(2) the term 'community day program' means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children;*

*"(3) the term 'institution for delinquent children' means a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision; and*

*"(4) the term 'institution for neglected children' means a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians.*

***"PART F—FEDERAL EVALUATIONS AND DEMONSTRATIONS***

***"SEC. 1601. EVALUATIONS.***

*"(a) NATIONAL ASSESSMENT.—*

*"(1) IN GENERAL.—The Secretary shall conduct a national assessment of programs assisted under this title, in coordination with the ongoing Chapter 1 Longitudinal Study under subsection (c) of this section, that shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.*

*"(2) EXAMINATION.—The assessment shall examine how well schools, local educational agencies, and States—*

*"(A) are progressing toward the goal of all children served under this title reaching the State's challenging State content standards and challenging State student performance standards; and*

*"(B) are accomplishing the purpose set forth in section 1001(d) to achieve the goal described in paragraph (1), including—*

*"(i) ensuring challenging State content standards and challenging State student performance standards for all children served under this title and aligning the efforts of States, local educational agencies, and schools to help such children reach such standards;*

*"(ii) providing children served under this title an enriched and accelerated educational program through schoolwide programs or through additional services that increase the amount and quality of instructional time that such children receive;*

*"(iii) promoting schoolwide reform and access for all children served under this title to effective instructional strategies and challenging academic content;*

*"(iv) significantly upgrading the quality of the curriculum and instruction by providing staff in participating schools with substantial opportunities for professional development;*

*"(v) coordinating services provided under all parts of this title with each other, with other educational and pupil services, including preschool services, and, to the extent feasible, with health and social service programs funded from other sources;*

*"(vi) affording parents of children served under this title meaningful opportunities to participate in the education of their children at home and at school;*

*"(vii) distributing resources to areas where needs are greatest;*

*"(viii) improving accountability, as well as teaching and learning, by making assessments under this title congruent with State assessment systems; and*

*"(ix) providing greater decisionmaking authority and flexibility to schools in exchange for greater responsibility for student performance.*

*"(3) NAEP INFORMATION.—Where feasible, the Secretary shall use information gathered by the National Assessment of Educational Progress in carrying out this subsection.*

*"(4) INTERIM AND FINAL REPORTS.—The Secretary shall submit an interim report summarizing the preliminary findings of the assessment to the President and the appropriate committees of the Congress and a final report of the findings of the assessment by January 1, 1998.*

*"(b) STUDIES AND DATA COLLECTION.—*

*"(1) IN GENERAL.—The Secretary may collect such data, as necessary, at the State, local, and school levels and conduct studies and evaluations, including national studies and evaluations, to assess on an ongoing basis the effectiveness of programs under this title and to report on such effectiveness on a periodic basis.*

*"(2) MINIMUM INFORMATION.—At a minimum, the Secretary shall collect trend information on the effect of programs under this title. Such data shall complement the data collected and reported under subsections (a) and (c).*

*"(c) NATIONAL LONGITUDINAL STUDY.—*

*"(1) IN GENERAL.—The Secretary shall carry out an ongoing evaluation of the program assisted under part A of title I in order to provide the public, the Congress, and educators involved in such program, an accurate description of the short- and long-term effectiveness of such program and to provide information that can be used to improve such program's effectiveness in enabling students to meet high State content standards and State student performance standards, graduate from secondary school, and make successful transitions to postsecondary education and work. Such evaluation shall—*

*"(A) have a longitudinal design that tracks cohorts of students within schools of differing poverty concentrations for at least 3 years which, when the cohorts are taken as a whole, provides a picture of such program's effectiveness over the elementary and secondary grades;*

*"(B) be separate and independent from State and local assessments an evaluations required under this part and consistent with measuring the achievement of students to relative to high State content standards and State student performance standards;*

*"(C) utilize the highest available content standards that are generally accepted as national in scope;*

*"(D) provide information on all students, students served under this part, and, if funds are sufficient, information on students from low-income families, limited-English proficient students, and students with disabilities; and*

*"(E) when feasible, collect, cross-tabulate, and report data by sex within race or ethnicity and socioeconomic status.*

*"(2) USE.—The Secretary shall use the results of the evaluation described in paragraph (1) as part of the national assessment required by subsection (a) and shall report the data from such evaluation to the Congress and the public at least as frequently as reports are made under subsection (a)(4).*

*"(d) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment under subsection (a) and the national longitudinal study under subsection (b), the Secretary shall use developmentally appropriate measures to assess student performance and progress.*

*"(e) STUDY ON ESTIMATING STATE CHILD POVERTY COUNTS.—The Secretary shall—*

*"(1) conduct a study to determine whether a feasible method exists for producing reliable estimates, between decennial census counts, of the number of school-aged children living in poverty by State in each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and*

*"(2) use such a method, if one exists, to provide the Congress with such estimates.*

***"SEC. 1602. DEMONSTRATIONS OF INNOVATIVE PRACTICES.***

*"(a) DEMONSTRATION PROGRAMS TO IMPROVE ACHIEVEMENT.—*

*"(1) IN GENERAL.—From the funds appropriated for any fiscal year under section 1002(g)(2), the Secretary may make grants to State educational agencies, local educational agencies, other public agencies, nonprofit organizations, and consortia of such entities to carry out demonstration projects that show the most promise of enabling children served under this title to meet challenging State content standards and challenging State student performance standards. Such projects shall include promising strategies such as—*

*"(A) accelerated curricula, the application of new technologies to improve teaching and learning, extended learning time, and a safe and enriched full-day environment for children to provide children the opportunity to reach such standards;*

*"(B) coordinated pupil services programs;*

*"(C) integration of education services with each other and with health, family, and other social services, particularly in empowerment zones and enterprise communities;*

*"(D) effective approaches to whole school reform;*

*"(E) programs that have been especially effective with limited-English proficient children, migratory children and other highly mobile students, children leaving institutions for neglected or delinquent children and returning to school, and homeless children and youth; and*

*"(F) programs which are especially effective in recruiting, inducting and retraining highly qualified teachers for service in schools with low student achievement.*

*"(2) EVALUATION.—The Secretary shall evaluate the demonstration projects supported under this title, using rigorous methodological designs and techniques, including control groups and random assignment, to the extent feasible, to produce reliable evidence of effectiveness.*

*"(b) PARTNERSHIPS.—From funds appropriated under section 1002(g)(2) for any fiscal year, the Secretary may, directly or through grants or contracts, work in partnership with State educational agencies, local educational agencies, other public agencies, and nonprofit organizations to disseminate and use the highest quality research and knowledge about effective practices to improve the quality of teaching and learning in schools assisted under this title.*

***"PART G—GENERAL PROVISIONS***

***"SEC. 1701. FEDERAL REGULATIONS.***

*"(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are considered necessary to reasonably ensure that there is*

*compliance with the specific requirements and assurances required by this title.*

*"(b) PROCEDURE.—*

*"(1) IN GENERAL.—Prior to publishing proposed regulations pursuant to this title, the Secretary shall convene regional meetings which shall provide input to the Secretary on the content of proposed regulations. Such meetings shall include representatives of Federal, State, and local administrators, parents, teachers, and members of local boards of education involved with implementation of programs under this title.*

*"(2) PROPOSED REGULATIONS.—Subsequent to regional meetings and prior to publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations and submit regulations on a minimum of 4 key issues to a modified negotiated rulemaking process as a demonstration of such process. The modified process shall waive application of the Federal Advisory Committee Act, but shall otherwise follow the guidance provided in the Administrative Conference of the United States in Recommendation 82-4, "Procedures for Negotiating Proposed Regulations" (47 Fed. Reg. 30708, June 18, 1982) and any successor regulation. Participants in the demonstration shall be chosen by the Secretary from among participants in the regional meetings, representing the groups described in paragraph (1) and all geographic regions. The demonstration shall be conducted in a timely manner.*

*"(3) EMERGENCY SITUATION.—In an emergency situation in which regulations pursuant to this title must be issued within a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue a regulation without such prior consultation, but shall immediately thereafter convene regional meetings to review the emergency regulation prior to issuance in final form.*

*"(c) LIMITATION.—Programs under this title may not be required to follow any 1 instructional model, such as the provision of services outside the regular classroom or school program.*

***"SEC. 1702. STATE ADMINISTRATION.***

*"(a) RULEMAKING.—*

*"(1) IN GENERAL.—Each State that receives funds under this title shall—*

*"(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;*

*"(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject; and*

*"(C) identify any such rule, regulation, or policy as a State-imposed requirement.*

*"(2) SPECIAL RULE.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the State's challenging State content standards and challenging State student performance standards.*

*"(b) PAYMENT FOR STATE ADMINISTRATION.—Each State may reserve for the proper and efficient performance of such State's duties under this title, the greater of—*

*"(1)(A) 1.00 percent of the funds appropriated to carry out subsections (a), (c), (d), and (e) of section 1002 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B) or (C);*

*"(B) 1.25 percent of the funds appropriated to carry out such subsections for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by more than $500,000,000 but less than $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; or*

*"(C) 1.50 percent of the funds appropriated to carry out such subsections for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995;*

*"(2) except as provided in paragraph (3)—*

*"(A) $375,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B) or (C);*

*"(B) $470,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by more than $500,000,000 but less than $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; or*

*"(C) $565,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; or*

*"(3) in the case of an outlying area—*

*"(A) $50,000 for fiscal year 1995 and each succeeding fiscal year not described in subparagraph (B) or (C);*

*"(B) $65,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by more than $500,000 but less than $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995; and*

*"(C) $80,000 for any fiscal year after fiscal year 1995 for which the funds appropriated to carry out such subsections exceeds by $1,000,000,000 the funds appropriated to carry out such subsections for fiscal year 1995.*

*"(c) PAYMENT FOR SCHOOL IMPROVEMENT.—Each State may reserve for the proper and efficient performance of its duties under subsections (b)(5) and (c) of section 1118, and section 1119, the greater of—*

*"(1) .75 percent of the funds received under subsections (a), (c), (d), (e), and (f) of section 1002;*

*"(2) except as provided in paragraph (3), $245,000; or*

*"(3) in the case of an outlying area, $40,000.*

*"(d) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—*

*"(1) IN GENERAL.—(A) Except as provided in subparagraph (B), a State or local educational agency shall use funds received under this part only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds.*

*"(B) For the purpose of complying with subparagraph (A), a State or local educational agency may exclude supplemental State and local funds expended in any eligible school attendance area or school for programs that meet the requirements of section 1114 or 1115.*

*"(2) SPECIAL RULE.—No local educational agency shall be required to provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate its compliance with paragraph (1).*

***"SEC. 1703. CONSTRUCTION.***

*"(a) PROHIBITION OF FEDERAL MANDATES, DIRECTION OR CONTROL.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.*

*"(b) EQUALIZED SPENDING.—Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.*

*"(c) BUILDING STANDARDS.—Nothing in this title shall be construed to mandate national school building standards for a State, local educational agency, or school.*

***"TITLE II—IMPROVING TEACHING AND LEARNING***

***"PART A—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM***

***"SEC. 2101. FINDINGS.***

*"The Congress finds as follows:*

*"(1) Reaching the third National Education Goal (all students will demonstrate mastery of challenging subject matter in the core academic subjects) and the fifth National Education Goal (United States students will become first in the world in mathematics and science achievement) requires a comprehensive educational reform strategy that involves parents, schools, government, communities, and other public and private organizations at all levels.*

*"(2) A crucial component of the strategy for achieving these two goals is ensuring, through sustained and intensive high-quality professional development, that all teachers can provide challenging learning experiences in the core academic subjects for their students.*

*"(3) The potential positive impact of high-quality professional development is underscored by recent research findings that—*

*"(A) professional development must be focused on teaching and learning in order to change the opportunities of all students to achieve higher standards;*

*"(B) effective professional development focuses on discipline-based knowledge and effective subject-specific pedagogical skills, involves teams of teachers, administrators, and pupil services personnel in a school and, through professional networks of teachers, administrators, pupil services personnel, and parents is interactive and collaborative, motivates by its intrinsic content and relationship to practice, builds on experience and learning-by-doing, and becomes incorporated into the everyday life of the school;*

*"(C) professional development can dramatically improve classroom instruction and learning when teachers, administrators, pupil services personnel, and parents are partners in the development and implementation of such professional development; and*

*"(D) new and innovative strategies for teaching to high standards will require time for teachers, outside of the time spent teaching, for instruction, practice, and collegial collaboration.*

*"(4) Special attention must be given in professional development activities to ensure that education professionals are knowledgeable of, and make use of, strategies for serving populations that historically have lacked access to equal opportunities for advanced learning and career advancement.*

*"(5) Professional development activities must prepare teachers, pupil services personnel, paraprofessionals and other staff in intervention strategies to—*

*"(A) alleviate the need, and inappropriate referral, for special education services; and*

*"(B) prepare staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with such student's individualized education program.*

*"(6) Professional development activities, designed in cooperation with parents, that focus on the complex social, emotional and mental health needs of children which may impede learning, can help teachers, administrators, and pupil services personnel assist children in overcoming barriers to academic success.*

*"(7) Professional development is often a victim of budget reductions in fiscally difficult times.*

*"(8) There are few incentives or sanctions operating to encourage teachers and administrators to work to prepare themselves to be more effective or to participate in challenging and effective professional development activities.*

"(9) Parental involvement is an important aspect of school reform and improvement. There is a need for special attention to ensure the effective involvement of parents in the education of their children. Professional development should include methods and strategies to better prepare teachers and administrators in involving parents. Programs are needed to provide parents the training and development necessary to enable parents to participate fully and effectively in their children's education.

"(10) The Federal Government has a vital role in helping to make sustained and intensive high-quality professional development in the core academic subjects become an integral part of the elementary and secondary education system.

**"SEC. 2102. PURPOSES.**

"It is the purpose of this part—

"(1) to help ensure that teachers, other staff, and administrators have access to high-quality professional development that is aligned to challenging State content standards and challenging State student performance standards and to support the development and implementation of sustained and intensive high-quality professional development activities in the core academic subjects; and

"(2) to help ensure that teachers, administrators, other staff, pupil services personnel, and parents have access to professional development that—

"(A) is tied to challenging State content standards and challenging State student performance standards;

"(B) reflects recent research on teaching and learning;

"(C) includes strong academic content and pedagogical components;

"(D) incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse student populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(E) is of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom; and

"(F) is part of the everyday life of the school and creates an orientation toward continuous improvement throughout the school.

**"SEC. 2103. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION BETWEEN SUBPARTS.**

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $800,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) ALLOCATION BETWEEN SUBPARTS.—Of the amounts appropriated to carry out this part for any fiscal year the Secretary shall make available—

"(1) 5 percent of such amounts to carry out subpart 1, of which 10 percent of such 5 percent shall be available to carry out section 2114;

"(2) 93.75 percent of such amounts to carry out subpart 2; and

"(3) 1.25 percent of such amounts to carry out subpart 3.

**"Subpart 1—Federal Activities**

**"SEC. 2111. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private agencies, organizations, and institutions to—

"(1) support activities of national significance that the Secretary determines will contribute to the development and implementation of high-quality professional development activities in the core academic subjects; and

"(2) evaluate activities carried out under this subpart and subpart 2 in accordance with section 10701.

"(b) REQUIREMENTS.—In carrying out the activities described in subsection (a), the Secretary shall coordinate professional development programs within the Department, particularly with those programs within the Office of Educational Research and Improvement, and shall consult and coordinate with the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and other appropriate Federal agencies and entities.

**"SEC. 2112. AUTHORIZED ACTIVITIES.**

"The Secretary shall use funds available to carry out this subpart for activities that help meet the purposes of this part, such as—

"(1) providing seed money to the entities described in section 2111(a) to develop the capacity of such entities to offer sustained and intensive high-quality professional development;

"(2) professional development institutes that provide teams of teachers, or teachers, administrators, pupil services personnel and other staff, from individual schools, with professional development that contains strong and integrated disciplinary and pedagogical components;

"(3) encouraging the development of local and national professional networks, including the Teacher Research Dissemination Demonstration Program under section 941(j) of the Educational Research, Development, Dissemination, and Improvement Act of 1994, that provide a forum for interaction among teachers of the core academic subjects and that allow the exchange of information on advances in content and pedagogy;

"(4) supporting the National Board for Professional Teaching Standards;

"(5) the development and dissemination of teaching standards in the core academic subjects;

"(6) the development of exemplary methods of assessing teachers, other staff, and administrators for licensure and certification;

"(7) the dissemination of models of high-quality professional development activities that train educators in strategies, techniques, methods, and practices for meeting the educational needs of historically underserved populations, including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals, in order to ensure that all students have the opportunity to achieve challenging State student performance standards;

"(8) activities that promote the transferability of licensure and certification of teachers and administrators among State and local jurisdictions;

"(9) the development and testing of incentive strategies for motivating teachers, administrators, and pupil services personnel to help increase their effectiveness through professional development focused on teaching and learning and giving all students the opportunity to learn to challenging State content standards and challenging State student performance standards;

"(10) the development of innovative intervention strategies to—

"(A) alleviate the need, and inappropriate referral, for special education services; and

"(B) prepare general education and special education teachers, paraprofessionals and pupil services personnel in effective integration of students with disabilities into general education settings, consistent with such student's individualized education program;

"(11) encouraging the development of innovative models for recruitment, induction, retention and assessment of new, highly qualified teachers, especially such teachers from historically underrepresented groups;

"(12) the dissemination of information about voluntary national content standards and voluntary national performance standards and related models of high-quality professional development;

"(13) the development and maintenance of a national clearinghouse for such core academic subjects as the Secretary determines are needed;

"(14) joint activities with other Federal agencies and entities engaged in or supporting similar professional development efforts;

"(15) the evaluation of programs under this subpart and subpart 2 in accordance with section 10701; and

"(16) the development of programs which prepare teachers to incorporate environmental education in the core academic subjects.

**"SEC. 2113. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.**

"(a) CLEARINGHOUSE AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, may award a grant or contract to establish an Eisenhower National Clearinghouse for Mathematics and Science Education (hereafter in this section referred to as the 'Clearinghouse').

"(b) APPLICATION AND AWARD BASIS.—Each entity desiring to establish and operate the Clearinghouse authorized by this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. The grant or contract awarded pursuant to paragraph (1) shall be made on a competitive, merit basis.

"(c) DURATION.—The grant or contract awarded under this section shall be awarded for a period of 5 years and shall be reviewed by the Secretary not later than 30 months from the date the grant or contract is awarded.

"(d) USE OF FUNDS.—The grant or contract awarded under this section shall be used to—

"(1) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary and secondary schools, including middle schools (including, to the extent practicable, all materials and programs developed with Federal and non-Federal funds, such as instructional materials developed by the Department, materials developed by State and national mathematics and science programs assisted under this part, and other instructional materials) for use by the regional consortiums established under subpart 2 of part C and by the general public;

"(2) compile information on all mathematics and science education programs administered by each Federal agency or department;

"(3) disseminate information, programs, and instructional materials to the public, dissemination networks, and the regional consortiums under subpart 2 of part C;

"(4) coordinate with identifiable and existing data bases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal and, where feasible, international data bases;

"(5) participate in collaborative meetings of representatives of the Clearinghouse and the regional consortiums under subpart 2 of part C to discuss issues of common interest and concern, to foster effective collaboration and cooperation in acquiring and distributing curriculum materials and programs, and to coordinate computer network access to the Clearinghouse and the resources of the regional consortiums, except that not more than 3 percent of the funds awarded under this section shall be used to carry out this paragraph; and

"(6) gather qualitative and evaluative data on submissions to the Clearinghouse.

"(e) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department which develops mathematics or science education instructional material or programs, including the National Science Foundation and the Department, shall submit to the Clearinghouse copies of such material or programs.

"(f) PEER REVIEW.—The Secretary shall establish a peer review process to select the recipient of the award under this subsection.

"(g) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

"(h) APPLICATION OF COPYRIGHT LAWS.—Nothing in this section shall be construed to allow the use or copying, in any media, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the permission of the owner of the copyright is obtained. The Clearinghouse, in carrying out the provisions of this subsection, shall ensure compliance with title 17, United States Code.

"(i) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information concerning the grant or contract awarded under this section to State and local educational agencies and institutions of higher education. Such dissemination of information shall include examples of exemplary national programs in mathematics and science instruction and necessary technical assistance for the establishment of similar programs.

**"SEC. 2114. NATIONAL TEACHER TRAINING PROJECT.**

"(a) SHORT TITLE; FINDINGS; DEFINITIONS.—

"(1) SHORT TITLE.—This section may be cited as the 'National Teacher Training Project Act of 1994'.

"(2) FINDINGS.—The Congress finds that—

"(A) teachers must be major players in educational reform in the United States;

"(B) teachers are isolated from their peers and have virtually no time during the school day to consult with other teachers;

"(C) there is a shortage of sustained, year-round professional development programs for teachers;

"(D) successful teaching methods are not adequately shared among teachers;

"(E) teachers are the best teachers of other teachers because practicing classroom teachers have experience that no outside consultant can match;

"(F) it is important for universities and schools to collaborate on teacher development programs if teaching and learning are to be improved;

"(G) pertinent research is not shared among teachers in a professional setting;

"(H) exemplary teachers should be recognized for their abilities and contributions and encouraged to refine their teaching methods;

"(I) each State should support a nationally based teacher training program that is modeled after the National Writing Project for teachers of the core academic subjects, including early childhood education, mathematics, science, English, civics and government, foreign languages, and arts;

"(J) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(K) the National Writing Project is a collaborative university-school program which offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers regarding developments in the field of writing;

"(L) each year over 125,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school year inservice programs through 1 of the 155 sites located within the United States, and in 18 sites located outside of the United States;

"(M) in the 20 years of its existence, over 1,100,000 teachers, administrators and parents have participated in National Writing Project programs;

"(N) less than $16 per teacher was the average cost in Federal dollars for all teacher training at writing projects in academic year 1991–1992;

"(O) for every dollar in Federal support, the National Writing Project provides over $5 in matching funds from States, local universities and schools, and the private sector;

"(P) private foundation resources, although generous in the past concerning National Writing Project programs, are inadequate to fund all of the National Teacher Training Project sites needed, and the future of the program is in jeopardy without secure financial support;

"(Q) the National Writing Project has become a model for programs in other fields, such as science, mathematics, history, literature, foreign languages, and the performing arts, and the development of programs in other fields should continue with the support of Federal funds; and

"(R) each of the 50 States should participate in the National Teacher Training Project by establishing regional teacher training sites in early childhood development, mathematics, science, English, civics and government, foreign languages, and arts to serve all teachers within the State.

"(3) DEFINITIONS.—For the purpose of this section—

"(A) the term 'contractor' means—

"(i) a local educational agency;

"(ii) an educational service agency; or

"(iii) an institution of higher education that awards a bachelor's degree; and

"(B) the term 'eligible recipient' means a nonprofit educational organization which has as its primary purpose the improvement of student learning in one of the core academic subjects described in subsection (b)(2).

"(b) GRANTS AUTHORIZED.—

"(1) GRANTS TO ELIGIBLE RECIPIENTS.—The Secretary is authorized to award a grant to an eligible recipient to enable such recipient—

"(A) to support and promote the establishment of teacher training programs in early childhood development and one of the 9 core academic subjects described in paragraph (2), including the dissemination of effective practices and research findings regarding teacher training, and administrative activities;

"(B) to support classroom research on effective teaching practices in such area; and

"(C) to pay the Federal share of the cost of such programs and research.

"(2) CORE SUBJECT AREAS.—To the extent feasible, the Secretary shall award a grant under paragraph (1) for the establishment of a National Teacher Training Project in early childhood development and each of the following core academic subjects:

"(A) Mathematics.

"(B) Science.

"(C) English.

"(D) Civics and government.

"(E) Foreign languages.

"(F) Arts.

"(G) Geography.

"(H) History.

"(I) Economics.

"(3) NUMBER OF GRANTS AND ELIGIBLE RECIPIENTS.—The Secretary shall award not more than 10 grants under paragraph (1) to 10 different eligible recipients.

"(4) EQUITABLE DISTRIBUTION.—The Secretary shall award grants under paragraph (1) to eligible recipients from different geographic areas of the United States.

"(5) SPECIAL RULE.—Each grant under paragraph (1) shall be of sufficient size, scope and quality to be effective.

"(6) ADMINISTRATIVE COSTS AND TECHNICAL ASSISTANCE.—Each eligible recipient receiving a grant under paragraph (1) may use not more than 5 percent of the grant funds for administrative costs and the costs of providing technical assistance to a contractor.

"(c) GRANT REQUIREMENTS.—Each eligible recipient receiving a grant under subsection (b) shall—

"(1) enter into a contract with a contractor under which such contractor agrees—

"(A) to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of the subject matter for which such eligible recipient was awarded a grant, including approaches and processes to obtain parental involvement in a child's education; and

"(B) to use funds received from the eligible recipient to pay the Federal share of the cost of establishing and operating teacher training programs described in subparagraph (A);

"(2) make annual reports to the Secretary and be responsible for oversight of the funds expended at each teacher training program described in subparagraph (A); and

"(3) meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with this section and provide such technical assistance as may be necessary to carry out this section.

"(d) TEACHER TRAINING PROGRAMS.—The teacher training programs described in subsection (b) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Teacher Training Project, which members shall conduct inservice workshops for other teachers in the area served by the National Teacher Training Project site;

"(4) borrow teacher training principles and receive technical assistance from the National Writing Project; and

"(5) encourage teachers from all disciplines to participate in such teacher training programs.

"(e) FEDERAL SHARE.—The term 'Federal share' means, with respect to the costs of teacher training programs described in subsection (b), 50 percent of such costs to the contractor

"(f) APPLICATION.—Each eligible recipient desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(g) PARTICIPANTS AND SELECTION PROCESS.—The selection process for participation in a teacher training program described in subsection (b) shall—

"(1) reward exemplary teachers with varying levels of teaching experience who are nominated by other teachers and administrators;

"(2) involve an application process to select participants for a summer program;

"(3) ensure the selection of a geographically and ethnically diverse group of teachers by soliciting applications from teachers of both public and private institutions in rural, urban and suburban settings of every State; and

"(4) automatically offer a place in a summer program to the 'Teacher of the Year' chosen pursuant to a Federal or State teacher recognition program.

"(h) LIMITATION.—A contractor entering into a contract under subsection (c)(1) shall not spend more than 5 percent of funds received under the contract for administrative costs.

**"Subpart 2—State and Local Activities**

**"SEC. 2121. PROGRAM AUTHORIZED.**

"The Secretary is authorized to make grants to State educational agencies for the support of sustained and intensive high-quality professional development activities in the core academic subjects at the State and local levels.

**"SEC. 2122. ALLOCATION OF FUNDS.**

"(a) RESERVATION OF FUNDS.—From the amount available to carry out this subpart for any fiscal year, the Secretary shall reserve—

"(1) ½ of 1 percent for the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this part;

"(2) ½ of 1 percent for the Secretary of the Interior for programs under this part for professional development activities for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—The Secretary shall allocate the amount available to carry out this subpart and not reserved under subsection (a) to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico as follows, except that no State shall receive less than one-half of 1 percent of such amount:

"(1) Fifty percent shall be allocated among such jurisdictions on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) Fifty percent shall be allocated among such jurisdictions in accordance with the relative amounts such jurisdictions received under part A of title I for the preceding fiscal year.

"(c) REALLOCATION.—If any jurisdiction does not apply for an allotment under subsection (b) for any fiscal year, the Secretary shall reallocate such amount to the remaining jurisdictions in accordance with that subsection.

**"SEC. 2123. WITHIN-STATE ALLOCATIONS.**

"Of the amounts received by any State under this subpart for any fiscal year—

"(1) 75 percent shall be available for State level activities under section 2126 and local allowable activities under section 2129(b), of which—

"(A) not more than 5 percent may be used for the administrative costs of the State educational agency;

"(B) not more than 5 percent may be used for State-level activities under section 2126; and

"(C) of the remaining amount—

"(i) 50 percent shall be distributed to local educational agencies—

"(I) for use in accordance with section 2129; and

"(II) in accordance with the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

"(ii) 50 percent of such amount shall be distributed to local educational agencies—

"(I) for use in accordance with section 2129; and

"(II) in accordance with the relative amount such agencies received under part A of title I of this Act for the preceding fiscal year; and

"(2) 25 percent shall be available to the State agency for higher education for activities under section 2130, of which not more than 5 percent may be used for the administrative costs of the State agency for higher education.

**"SEC. 2124. PRIORITY FOR PROFESSIONAL DEVELOPMENT IN MATHEMATICS AND SCIENCE.**

"(a) APPROPRIATION OF LESS THAN $250,000,000.—In any fiscal year for which the amount appropriated for this part is less than $250,000,000, each State shall ensure that all funds distributed in accordance with section 2123(1)(C) are used for professional development in mathematics and science.

"(b) APPROPRIATION EQUAL TO OR ABOVE $250,000,000.—In any fiscal year for which the amount appropriated for this part is at least $250,000,000, each State shall ensure that the amount of funds distributed in accordance with section 2123(1)(C) that is used for professional development in mathematics and science is not less than the amount that bears the same ratio to the total amount of funds so distributed as the sum of $250,000,000 plus at least 10 percent of the amount appropriated for this part for such year in excess of $250,000,000 bears to the total amount appropriated for this part for such year.

**"SEC. 2125. STATE APPLICATIONS.**

"(a) APPLICATIONS REQUIRED.—Each State educational agency that wishes to receive an allotment under this subpart for any fiscal year shall submit an application to the Secretary at such time and in such form as the Secretary may require.

"(b) PROFESSIONAL DEVELOPMENT PLAN.—

"(1) IN GENERAL.—Each application under this section shall include a State plan for professional development that satisfies the requirements of this section.

"(2) CONTENTS.—Each such State plan shall—

"(A) be developed in conjunction with the State agency for higher education, nonprofit organizations of demonstrated effectiveness, institutions of higher education or schools of education, and with the extensive participation of local teachers, administrators, and pupil services personnel and show the role of each such entity in implementation of the plan;

"(B) be designed to give teachers, administrators, and pupil services personnel in the State the knowledge and skills necessary to provide all students the opportunity to meet challenging State content standards and challenging State student performance standards;

"(C) include an assessment of State and local needs for professional development specifically related to subparagraph (B);

"(D) describe the need for teacher development beginning with recruitment, preservice, and induction, and continuing throughout the professional teaching career, taking into account the need, as determined by the State, for greater access to and participation in the teaching profession by individuals from historically underrepresented groups;

"(E) describe how the State requirements for licensure of teachers and administrators, including certification and recertification, support challenging State content standards and challenging State student performance standards;

"(F) describe how the State will work with teachers, administrators, parents, local educational agencies, schools, educational service agencies, and institutions of higher education or nonprofit organizations of demonstrated effectiveness to ensure that such individuals or entities develop the capacity to support sustained and intensive, high-quality professional development programs in the core academic subjects;

"(G) describe how the State will prepare all teachers to teach children with diverse learning needs, including children with disabilities;

"(H) describe how the State will prepare teachers, paraprofessionals and pupil services personnel in intervention strategies to—

"(i) alleviate the need, and inappropriate referral, for special education services; and

"(ii) prepare general and special education staff to work collaboratively to educate students with disabilities placed into general education settings, consistent with such student's individualized education program;

"(I) describe how the State will use technology, including the emerging national information infrastructure, to enhance the professional development of teachers, administrators, and pupil services personnel;

"(J) describe how the State will ensure a strong focus on professional development in mathematics and science taking into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups;

"(K) describe how the State will provide incentives to teachers and administrators to focus their professional development on preparing themselves to provide instruction consistent with challenging State content standards and challenging State student performance standards;

"(L) set specific outcome performance indicators for professional development; and

"(M) describe how parents can be involved in professional development programs to enhance their participation in the education of their children.

"(3) DURATION OF THE PLAN.—Each such State plan shall—

"(A) remain in effect for the duration of the State's participation under this subpart; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

"(c) ADDITIONAL MATERIAL.—Each State application shall include—

"(1) a description of how the activities assisted under this subpart will be coordinated, as appropriate, with—

"(A) other activities conducted with Federal funds, especially activities supported under part A of title I of this Act, and parts B and D of the Individuals with Disabilities Education Act;

"(B) State and local funds;

"(C) resources from business and industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience; and

"(D) funds received from other Federal agencies, such as the National Science Foundation, the Departments of Commerce, Energy, and Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities; and

"(2) a description of the activities to be sponsored under the State level activities under section 2126 and the higher education activities under section 2130.

"(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

"(1) IN GENERAL.—The Secretary shall approve an application of a State educational agency under this section if such application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

"(2) REVIEW.—In reviewing applications under this section, the Secretary shall obtain the advice of non-Federal experts on education in the core academic subjects and on teacher education, including teachers and administrators.

**"SEC. 2126. STATE LEVEL ACTIVITIES.**

"Each State may use funds made available under section 2123(1) to carry out activities described in the plan under section 2125(b), such as—

"(1) reviewing and reforming State requirements for teacher and administrator licensure, including certification and recertification, to align such requirements with the State's challenging State content standards and ensure that teachers and administrators have the knowledge and skills necessary to help students meet challenging State student performance standards;

"(2) developing performance assessments and peer review procedures, as well as other methods, for licensing teachers and administrators;

"(3) providing technical assistance to schools and local educational agencies to help such schools and agencies provide effective professional development in the core academic subjects;

"(4) developing or supporting professional development networks, either within a State or in a regional consortium of States, that provide a forum for interaction among teachers and that allow exchange of information on advances in content and pedagogy;

"(5) professional development in the effective use of educational technology as an instructional tool for increasing student understanding of the core academic subjects, including efforts to train teachers in methods for achieving gender equity both in students' access to computers and other educational technology and in teaching practices used in the application of educational technology;

"(6) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement organizations;

"(7) designing systems that enable teachers to meet pay ladder professional development requirements by demonstrating content knowledge and pedagogical competence tied to challenging State content standards and challenging State student performance standards, rather than by merely completing course credits;

"(8) providing incentives for teachers to be involved in assessment, curriculum development, and technical assistance processes for teachers and students;

"(9) professional development to enable teachers, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited English proficient students, individuals with disabilities, and the economically disadvantaged have the full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects by, for example, encouraging girls and young women and minorities to pursue advanced courses in mathematics and science;

"(10) professional development designed to—

"(A) provide the collaborative skills needed to appropriately serve children with disabilities in the general education setting consistent with such child's individualized education program; and

"(B) develop skills needed for effective intervention teaching strategies to alleviate the need, and inappropriate referral, for special education services;

"(11) professional development and recruitment activities designed to increase the numbers of minorities, individuals with disabilities and females teaching in the core academic subjects in which such individuals are underrepresented;

"(12) identifying, developing, or supporting parental involvement programs to better equip parents to participate in the education of their children;

"(13) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;

"(14) providing training for local education employees in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994; and

"(15) providing technical assistance to teachers, administrators, parents and related services personnel in the area of early childhood development in order to ensure that early childhood development services provided to low-income children below the age of compulsory school attendance comply with the performance standards established under section 641A(a) of the Head Start Act or under section 651 of such Act, as such section 651 was in effect on the day preceding the date of enactment of the Human Services Amendments of 1994.

**"SEC. 2127. LOCAL EDUCATIONAL AGENCY APPLICATIONS.**

"(a) IN GENERAL.—Each local educational agency that desires a subgrant under this subpart shall submit an application to the State educational agency at such time as the State educational agency may require, but not less frequently than every 3 years.

"(b) CONTENTS.—Each application under this section shall include—

"(1) the local educational agency's plan for professional development that—

"(A) has been developed with the extensive participation of teachers, administrators, staff, and pupil services personnel;

"(B) is aligned with the State's challenging State content standards and challenging State student performance standards;

"(C) includes an assessment of local needs for professional development as identified by the local educational agency and school staff;

"(D) describes a strategy, tied to challenging State content standards and challenging State student performance standards, for addressing those needs;

"(E) includes strong academic content and pedagogical components;

"(F) takes into account the need for greater access to and participation in the core academic subjects, especially in mathematics and science, by students from historically underrepresented groups;

"(G) is of sufficient intensity and duration to have a positive and lasting impact on the student's performance in the classroom; and

"(H) sets specific outcome performance indicators;

"(2) an assurance that the activities conducted with the funds such agency received under this subpart will be assessed at least every three years using the outcome performance indicators to determine the effectiveness of such activities;

"(3) a description of how the programs funded under this subpart will be coordinated, as appropriate, with—

"(A) services of educational service agencies;

"(B) services of institutions of higher education;

"(C) State and local funds;

"(D) resources provided under part A of title I and other provisions of this Act;

"(E) resources from business, industry, museums, libraries, educational television stations, and public and private nonprofit organizations of demonstrated experience;

"(F) resources provided under parts B and D of the Individuals with Disabilities Education Act; and

"(G) funds received from other Federal agencies, such as the National Science Foundation, the Department of Energy, the Department of Health and Human Services, the National Endowment for the Arts, the Institute of Museum Services, and the National Endowment for the Humanities;

"(4) an identification of the sources of funding that will provide the local educational agency's contribution under section 2128; and

"(5) a description of the strategies to be employed to more fully and effectively involve parents in the education of their children.

"(c) DURATION OF THE PLAN.—Each local plan described in subsection (b)(1) shall—

"(1) remain in effect for the duration of the local educational agency's participation under this subpart; and

"(2) be periodically reviewed and revised by the local educational agency, as necessary, to reflect changes in the local educational agency's strategies and programs under this subpart.

**"SEC. 2128. LOCAL COST-SHARING.**

"(a) IN GENERAL.—Each local educational agency shall provide at least 33 percent of the cost of the activities assisted under this subpart, excluding the cost of services provided to private school teachers.

"(b) AVAILABLE RESOURCES FOR COST-SHARING.—

"(1) IN GENERAL.—A local educational agency may meet the requirement of subsection (a) through one or more of the following:

"(A) Cash expenditures from non-Federal sources directed toward professional development activities.

"(B) Release time for teachers participating in professional development assisted under this subpart.

"(C) Funds received under one or more of the following programs, so long as such funds are used for professional development activities consistent with this subpart and the statutes under which such funds were received, and are used to benefit students and teachers in schools that otherwise would have been served with such funds:

"(i) Part A of title I.

"(ii) Parts B and D of the Individuals with Disabilities Education Act.

"(iii) The Safe and Drug-Free Schools and Communities program under part A of title V.

"(iv) Bilingual Education Programs under part A of title VII.

"(v) The Women's Educational Equity Act of 1994.

"(vi) Title III of the Goals 2000: Educate America Act.

"(vii) Programs that are related to the purposes of this Act that are administered by other Federal agencies, including the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum Services, and the Department of Energy.

"(2) SPECIAL RULE.—A local educational agency may meet the requirement of subsection (a) through contributions described in paragraph (1) that are provided in cash or in kind, fairly evaluated.

**"SEC. 2129. LOCAL ALLOCATION OF FUNDS AND ALLOWABLE ACTIVITIES.**

"(a) LOCAL ALLOCATION OF FUNDS.—Each local educational agency that receives funds under this subpart for any fiscal year—

"(1) shall use at least 80 percent of such funds for professional development of teachers, administrators, pupil services personnel, parents, and other staff of individual schools in a manner that—

"(A) is determined by such teachers and staff;

"(B) to the extent practicable, takes place at the individual school site; and

"(C) is consistent with the local educational agency's application under section 2127, any school plan under part A of title I, and any other plan for professional development carried out with Federal, State, or local funds that emphasizes sustained, ongoing activities; and

"(2) may use not more than 20 percent of such funds for school district-level professional development activities, including the participation of administrators, policymakers, and parents.

"(b) AUTHORIZED ACTIVITIES.—Each local educational agency and school that receives funds under this subpart shall use such funds for activities that contribute to the implementation of the local educational agency's professional development plan described in section 2127(b)(1), such as—

"(1) professional development for teams of teachers, administrators, pupil services personnel, or other staff from individual schools, to support teaching consistent with challenging State content standards and challenging State student performance standards and to create a

*school environment conducive to high achievement in the core academic subjects;*

*"(2) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel, and other school staff to enable such teachers, personnel, and staff to participate in professional development in the core academic subjects that are offered through professional associations, universities, and other providers such as community-based organizations, science centers and museums;*

*"(3) support and time, which in the case of teachers may include release time with pay, for teachers, pupil services personnel and other school staff to participate in professional development that goes beyond training and encourages a variety of forms of learning that are related to an educator's regular work, such as group study and consultation with peers and supervisors;*

*"(4) support and time for teachers, pupil services personnel and other school staff to learn and implement effective intervention or collaboration for the instruction of children with disabilities placed into general education settings, consistent with such child's individualized education program;*

*"(5) professional development which incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including females, minorities, individuals with disabilities, limited-English proficient individuals and economically disadvantaged individuals;*

*"(6) peer training and mentoring programs, including cross-generational mentoring, in the core academic subjects and in the developmental, social, emotional and mental health needs of children;*

*"(7) establishment and maintenance of local professional networks that provide a forum for interaction among teachers and pupil services personnel and that allow exchange of information on advances in content and pedagogy;*

*"(8) activities that provide followup for teachers who have participated in professional development activities that are designed to ensure that the knowledge and skills learned by the teacher are implemented in the classroom;*

*"(9) preparing teachers and pupil services personnel to work with parents and families on fostering student achievement in the core academic subjects;*

*"(10) preparing teachers in the effective use of educational technology and assistive technology as instructional tools for increasing student understanding of the core academic subjects;*

*"(11) establishing policies to permit teachers to meet pay ladder requirements by demonstrating content and pedagogical competence rather than by only meeting course requirements;*

*"(12) professional development to enable teachers, pupil services personnel, and other school staff to ensure that girls and young women, minorities, limited-English proficient students, individuals with disabilities, and the economically disadvantaged have full opportunity to achieve to challenging State content standards and challenging State student performance standards in the core academic subjects;*

*"(13) professional development activities designed to increase the numbers of minorities, individuals with disabilities, and other underrepresented groups in the teaching force and to increase the numbers of women and members of other underrepresented groups who are science and mathematics teachers, for example, through career ladder programs that assist educational paraprofessionals to obtain teaching credentials;*

*"(14) professional development activities and other support for new teachers as such teachers transition into the classroom to provide such teachers with practical support and increase retention;*

*"(15) professional development for teachers, parents, early childhood educators, administrators, and other staff to support activities and services related to the Transition to Success program developed under part B of title I;*

*"(16) developing incentive strategies for rewarding teachers, administrators, and pupil services personnel collectively in schools that sustain high performance or consistent growth in the number of their students who meet the challenging State content standards and challenging State student performance standards;*

*"(17) providing financial or other incentives for teachers to become certified by nationally recognized professional teacher enhancement programs;*

*"(18) developing strategies and programs to more effectively involve parents in the education of their children;*

*"(19) professional development activities designed to increase the number of women and other underrepresented groups in the administration of schools;*

*"(20) release time with pay for teachers; and*

*"(21) professional development in experiential-based teaching methods such as service learning.*

***"SEC. 2130. HIGHER EDUCATION ACTIVITIES.***

*"(a) IN GENERAL.—*

*"(1) IN GENERAL.—From amounts made available under section 2123(2), the State agency for higher education, working in conjunction with the State educational agency (if such agencies are separate), shall award grants to, or enter into contracts or cooperative agreements with, institutions of higher education or private nonprofit organizations working in conjunction with local educational agencies, for professional development activities in the core academic subjects that contribute to the State plan for professional development.*

*"(2) COMPETITIVE BASIS.—Each grant, contract or cooperative agreement described in paragraph (1) shall be awarded on a competitive basis.*

*"(3) JOINT EFFORTS.—Each activity assisted under this section, where applicable, shall involve the joint effort of the institution of higher education's school or department of education, if any, and the schools or departments in the specific disciplines in which such professional development will be provided.*

*"(b) ALLOWABLE ACTIVITIES.—A recipient of funds under this section shall use such funds for—*

*"(1) sustained and intensive high-quality professional development for teams of teachers, or teachers, pupil services personnel and administrators from individual schools or school districts;*

*"(2) preservice training activities; and*

*"(3) other sustained and intensive professional development activities related to achievement of the State plan for professional development.*

*"(c) PARTNERSHIPS.—Each institution of higher education receiving a grant under this section may also enter into a partnership with a private industry, museum, library, educational television station, or public or private nonprofit organization of demonstrated experience to carry out professional development activities assisted under this section.*

***"SEC. 2131. CONSORTIUM REQUIREMENT.***

*"(a) IN GENERAL.—Any local educational agency receiving a grant under this part of less than $10,000 shall form a consortium with another local educational agency or an educational service agency serving another local educational agency to be eligible to participate in programs assisted under this part.*

*"(b) WAIVER.—The Chief State School Officer may waive the requirements of subsection (a) if distances or traveling time between schools make formation of the consortium more costly or less effective.*

*"(c) SPECIAL RULE.—Each consortium shall rely, as much as possible, on technology or other arrangements to deliver staff development tailored to the needs of each school or school district participating in a consortium described in subsection (a).*

***"Subpart 3—Professional Development Demonstration Project***

***"SEC. 2141. FINDINGS AND PURPOSE.***

*"(a) FINDINGS.—The Congress finds that—*

*"(1) underlying the standards-driven framework of the Goals 2000: Educate America Act and the high academic standards for eligible students under title I is a widespread need to prepare teachers to teach to higher standards;*

*"(2) prospective and current teachers need knowledge and skills beyond what such teachers currently possess;*

*"(3) while both the Goals 2000: Educate America Act and titles I and II have extensive references to professional development of teachers, there are no provisions to incorporate 'on-the-ground' planning and implementation to serve as models for local educational agencies across the Nation; and*

*"(4) better prepared teachers can lead to improved student achievement, especially for students who are furthest from reaching high standards.*

*"(b) PURPOSE.—It is the purpose of this subpart—*

*"(1) to address the need for professional development with a primary focus on teachers;*

*"(2) to provide both prospective teachers and current teachers opportunities to learn both the content and the pedagogy needed to teach to high standards; and*

*"(3) to build models, in a few cities and States, that demonstrate new organizational arrangements and deep investments in teachers necessary to better prepare teachers for new standards and assessments.*

***"SEC. 2142. DEMONSTRATION PROGRAM AUTHORIZED.***

*"(a) GENERAL AUTHORITY.—*

*"(1) IN GENERAL.—The Secretary shall carry out a demonstration project under which the Secretary awards grants in accordance with this subpart to eligible partnerships to enable such partnerships to plan and implement professional development programs.*

*"(2) PROGRAM REQUIREMENTS.—The programs described in paragraph (1)—*

*"(A) shall focus on increasing teachers' knowledge and understanding of content by providing teachers opportunities to improve their knowledge and to improve their classroom practice in order to help students meet high academic standards;*

*"(B) shall include teachers at all career stages, from student teachers or interns through senior team leaders or department chairs; and*

*"(C) may incorporate professional development for principals, pupil services personnel, aides, other school-based staff, and parents.*

*"(b) ELIGIBLE PARTNERSHIPS.—For the purpose of this subpart the term 'eligible partnership' means a partnership consisting of—*

*"(1) a local educational agency, a subunit of such agency, or a consortium of such agencies, in which at least 50 percent of the schools served by such agency, subunit, or consortium are eligible to participate in schoolwide programs under section 1114; or*

*"(2) other partners that—*

*"(A) shall include, at a minimum, a teachers' union (if appropriate), one or more institutions of higher education which may include faculty from schools of education and faculty from schools of arts and sciences, and a local parent or community council; and*

"(B) may include a business partner or a nonprofit organization with a demonstrated record in staff development.

**"SEC. 2143. GRANTS.**

"(a) AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall award grants for planning, and grants for the implementation of, professional development programs under this subpart.

"(2) DISTRIBUTION.—The Secretary shall award not less than 75 percent of the funds available for grants under this part to eligible partnerships serving the schools with the greatest number of poor students. To the extent possible, such grants shall be awarded to eligible partnerships serving both rural and urban school districts and in a manner that reflects geographic and racial diversity.

"(3) NUMBER OF GRANTS.—In the first year that the Secretary awards grants under this subpart, the Secretary shall award at least twice as many planning grants as implementation grants in order to receive well-developed plans for long-term funding under this subpart.

"(b) GRANT REQUIREMENTS.—

"(1) DURATION.—The Secretary shall award—

"(A) planning grants under this subpart for a period of not less than 6 months and not more than 9 months; and

"(B) implementation grants under this subpart for a period of four fiscal years.

"(2) AMOUNT.—The Secretary shall award grants under this subpart in an amount determined on the basis of the size of the program and the level of investment the eligible partnership is making in teacher development in the area served by the eligible partnership, including local, State, and Federal funds and existing higher education resources, except that no grant under this subpart shall exceed $500,000 in any one fiscal year.

**"SEC. 2144. PLAN.**

"Each eligible partnership desiring assistance under this subpart shall develop a plan for the program to be assisted under this subpart. Such plan shall—

"(1) identify clearly how such plan will support an overall systemic reform strategy giving special attention to the role of teacher preparation for new standards and assessment;

"(2) describe the eligible partnership's instructional objectives and how the professional development activities will support such objectives;

"(3) specify the organizational arrangements and delivery strategies to be used, such as teacher centers, professional development schools, teacher networks, academic alliances, as well as the curriculum for teachers;

"(4) specify the commitments the local educational agencies, teacher's union, institutions of higher education or any other entity participating in such partnership are prepared to make, not only to support program activities such as release time, contractual flexibility, support for interns or student teachers if applicable, but also to sustain the central aspects of the plan after the expiration of the grant; and

"(5) describe how the activities described under this subpart will lead to districtwide policy and budget changes.

**"SEC. 2145. TECHNICAL ASSISTANCE.**

"The Secretary is authorized to enter into an arrangement with an intermediary organization to enable such organization to provide technical assistance to eligible partnerships receiving assistance under this subpart.

**"SEC. 2146. MATCHING FUNDS.**

"The Secretary shall give special priority to awarding grants under this subpart to eligible partnerships that demonstrate such partnership's ability to raise matching funds from private sources.

**"Subpart 4—General Provisions**

**"SEC. 2151. REPORTING AND ACCOUNTABILITY.**

"(a) STATES.—Each State that receives funds under this part shall submit a report to the Secretary every three years, beginning with fiscal year 1997, on the State's progress toward the outcome performance indicators identified in such State's State plan, as well as on the effectiveness of State and local activities assisted under this part.

"(b) LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives funds under this part shall submit a report to the State every three years, beginning with fiscal year 1997, regarding the progress of such agency toward outcome performance indicators identified in such agency's local plan, as well as on the effectiveness of such agency's activities under this part.

"(c) FEDERAL EVALUATION.—The Secretary shall report to the President and the Congress on the effectiveness of programs and activities assisted under this part in accordance with section 10701.

**"SEC. 2152. DEFINITIONS.**

"As used in this part—

"(1) the term 'core academic subjects' means subjects such as English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography;

"(2) the term 'sustained and intensive high-quality professional development' means professional development activities that—

"(A) are tied to challenging State content standards, challenging State student performance standards, voluntary national content standards or voluntary national student performance standards;

"(B) reflect up-to-date research in teaching and learning and include integrated content and pedagogical components appropriate for students with diverse learning needs;

"(C) are of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom or the administrator's performance on the job; and

"(D) recognize teachers as an important source of knowledge that should inform and help shape professional development; and

"(3) the term 'outcome performance indicators' means measures of specific outcomes that the State or local educational agency identify as assessing progress toward the goal of ensuring that all teachers have the knowledge and skills necessary to assist their students to meet challenging State content standards and challenging State student performance standards in the core academic subjects, such as—

"(A) the degree to which licensure requirements are tied to challenging State content standards and challenging State student performance standards;

"(B) specific increases in the number of teachers who are certified by the National Board for Professional Teaching Standards or other nationally recognized professional teacher enhancement organizations;

"(C) pass rates on teacher examinations for initial and continuing certification or licensure;

"(D) specific increases in the number of elementary and secondary teachers with strong content backgrounds in the core academic subjects; and

"(E) specific increases in the number of teachers licensed in each core academic subject.

**"PART B—NATIONAL WRITING PROJECT**

**"SEC. 2201. SHORT TITLE.**

"This part may be cited as the 'National Writing Project Act'.

**"SEC. 2202. FINDINGS.**

"The Congress finds that—

"(1) the United States faces a crisis in writing in schools and in the workplace;

"(2) the writing problem has been magnified by the rapidly changing student populations in the Nation's schools and the growing number of students who are at risk because of limited English proficiency;

"(3) over the past 2 decades, universities and colleges across the country have reported increasing numbers of entering freshmen who are unable to write at a level equal to the demands of college work;

"(4) American businesses and corporations are concerned about the limited writing skills of entry-level workers, and a growing number of executives are reporting that advancement was denied to such executives due to inadequate writing abilities;

"(5) writing and reading are both fundamental to learning, yet writing has been historically neglected in the schools and colleges, and most teachers in the United States elementary schools, secondary schools, and colleges have not been trained to teach writing;

"(6) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs whose goal is to improve the quality of student writing and the teaching of writing at all grade levels and to extend the uses of writing as a learning process through all disciplines;

"(7) the National Writing Project offers summer and school year inservice teacher training programs and a dissemination network to inform and teach teachers of developments in the field of writing;

"(8) the National Writing Project is a nationally recognized and honored nonprofit organization that recognizes that there are teachers in every region of the United States who have developed successful methods for teaching writing and that such teachers can be trained and encouraged to train other teachers;

"(9) the National Writing Project has become a model for programs to improve teaching in such other fields as mathematics, science, history, literature, performing arts, and foreign languages;

"(10) the National Writing Project teacher-teaching-teachers program identifies and promotes what is working in the classrooms of the Nation's best teachers;

"(11) the National Writing Project teacher-teaching-teachers project is a positive program that celebrates good teaching practices and good teachers and through its work with schools increases the Nation's corps of successful classroom teachers;

"(12) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance, and student thinking and learning ability;

"(13) the National Writing Project programs offer career-long education to teachers, and teachers participating in the National Writing Project receive graduate academic credit;

"(14) each year over 100,000 teachers voluntarily seek training in National Writing Project intensive summer institutes and workshops and school-year inservice programs through one of the 154 regional sites located in 45 States, the Commonwealth of Puerto Rico, and in four sites that serve United States teachers teaching in United States dependent and independent schools;

"(15) 250 National Writing Project sites are needed to establish regional sites to serve all teachers;

"(16) private foundation resources, although generous in the past, are inadequate to fund all of the National Writing Project sites needed and the future of the program is in jeopardy without secure financial support;

"(17) independent evaluation studies have found the National Writing Project to be highly

*cost-effective compared to other professional development programs for teachers; and*

*"(18) during 1991, the first year of Federal support for the National Writing Project, the National Writing Project matched the $1,951,975 in Federal support with $9,485,504 in matching funds from State, local, and other sources.*

***"SEC. 2203. NATIONAL WRITING PROJECT.***

*"(a) AUTHORIZATION.—The Secretary is authorized to make a grant to the National Writing Project (hereafter in this section referred to as the 'grantee'), a nonprofit educational organization which has as its primary purpose the improvement of the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms—*

*"(1) to support and promote the establishment of teacher training programs, including the dissemination of effective practices and research findings regarding the teaching of writing and administrative activities;*

*"(2) to support classroom research on effective teaching practice and to document student performance;*

*"(3) to coordinate activities assisted under this section with activities assisted under part A; and*

*"(4) to pay the Federal share of the cost of such programs.*

*"(b) REQUIREMENTS OF GRANT.—The grant shall provide that—*

*"(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as 'contractors') under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;*

*"(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and*

*"(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.*

*"(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—*

*"(1) be conducted during the school year and during the summer months;*

*"(2) train teachers who teach grades kindergarten through college;*

*"(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and*

*"(4) encourage teachers from all disciplines to participate in such teacher training programs.*

*"(d) FEDERAL SHARE.—*

*"(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term 'Federal share' means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.*

*"(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (f) determines, on the basis of financial need, that such waiver is necessary.*

*"(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $40,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least five sites throughout the State.*

*"(e) CLASSROOM TEACHER GRANTS.—*

*"(1) IN GENERAL.—The National Writing Project may reserve an amount not to exceed 5 percent of the amount appropriated pursuant to the authority of this section to make grants, on a competitive basis, to elementary and secondary school teachers to enable such teachers to—*

*"(A) conduct classroom research;*

*"(B) publish models of student writing;*

*"(C) conduct research regarding effective practices to improve the teaching of writing; and*

*"(D) conduct other activities to improve the teaching and uses of writing.*

*"(2) SUPPLEMENT AND NOT SUPPLANT.—Grants awarded pursuant to paragraph (1) shall be used to supplement and not supplant State and local funds available for the purposes set forth in paragraph (1).*

*"(3) MAXIMUM GRANT AMOUNT.—Each grant awarded pursuant to this subsection shall not exceed $2,000.*

*"(f) NATIONAL ADVISORY BOARD.—*

*"(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.*

*"(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—*

*"(A) national educational leaders;*

*"(B) leaders in the field of writing; and*

*"(C) such other individuals as the National Writing Project deems necessary.*

*"(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—*

*"(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;*

*"(B) review the activities and programs of the National Writing Project; and*

*"(C) support the continued development of the National Writing Project.*

*"(g) EVALUATION.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this Act in accordance with section 10701. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of the Congress.*

*"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the grant to the National Writing Project, $4,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this section.*

***"PART C—SUPPORT AND ASSISTANCE FOR ESEA PROGRAMS***

***"Subpart 1—Comprehensive Regional Centers***

***"SEC. 2301. FINDINGS.***

*"The Congress finds that—*

*"(1) high-quality technical assistance can enhance the improvements in teaching and learning achieved through the implementation of programs assisted under this Act;*

*"(2) comprehensive technical assistance is an essential ingredient of the overall strategy of the Improving America's Schools Act of 1994 to improve programs and to provide all children opportunities to meet challenging State content standards and challenging State student performance standards;*

*"(3) States, local educational agencies, and schools serving students with special needs, such as students with limited-English proficiency and students with disabilities, have great need for comprehensive technical assistance in order to use funds under this Act to provide such students with opportunities to learn to challenging State content standards and challenging State student performance standards;*

*"(4) current technical assistance efforts are fragmented and categorical in nature, and thus fail to address adequately the needs of States and local educational agencies for help in integrating into a coherent strategy for improving teaching and learning the various programs under this Act with State and local programs and other education reform efforts;*

*"(5) too little creative use is made of technology as a means of providing information and assistance in a cost-effective way;*

*"(6) comprehensive technical assistance can help schools and school systems focus on improving opportunities for all children to meet challenging State content standards and challenging State student performance standards, as such schools and systems implement programs under this Act;*

*"(7) comprehensive technical assistance will provide one-stop shopping to help States, local educational agencies, participating colleges and universities, and schools integrate Federal, State, local education and pupil services programs in ways that contribute to improving schools and entire school systems; and*

*"(8) technical assistance in support of programs assisted under this Act should be coordinated with the Department's regional offices, the regional educational laboratories, and other technical assistance efforts supported by the Department.*

***"SEC. 2302. PURPOSE.***

*"The purpose of this part is to make available to States, local educational agencies, schools, and other recipients of funds under this Act technical assistance in—*

*"(1) administering and implementing programs authorized by this Act;*

*"(2) implementing school reform programs; and*

*"(3) coordinating such programs with other Federal, State, and local education activities, so that all students are provided opportunities to meet challenging State content standards and challenging State student performance standards.*

***"SEC. 2303. PROGRAM AUTHORIZED.***

*"(a) COMPREHENSIVE REGIONAL CENTERS.—The Secretary is authorized to establish one center in each of the Department's ten regions, and one center at the Pacific Regional Education Laboratory in Honolulu, Hawaii, and may establish field offices for each such center, in order to provide comprehensive technical assistance to States, local educational agencies, schools, and other recipients of funds under this Act in the administration and implementation of programs authorized by this Act. In allocating resources among the centers, the Secretary shall consider the geographic distribution of students with special needs.*

*"(b) TECHNOLOGY-BASED TECHNICAL ASSISTANCE.—The Secretary is authorized to provide a technology-based technical assistance service that will—*

*"(1) support the administration and implementation of programs authorized by this Act by providing information, including legal and regulatory information, and technical guidance and information about best practices; and*

*"(2) be accessible to all States, local educational agencies, schools, community-based organizations, and others who are recipients of funds under this Act.*

***"SEC. 2304. ELIGIBLE ENTITIES.***

*"The Secretary may carry out this part directly or through grants to, or contracts or cooperative agreements with, public or private agencies or organizations or consortia of such agencies and organizations.*

***"SEC. 2305. COMPREHENSIVE REGIONAL CENTERS.***

*"Each comprehensive regional center established under section 2303(a) shall—*

"(1) maintain staff expertise in at least all of the following areas:

"(A) instruction, curriculum improvement, school reform, pupil services, and other aspects of title I;

"(B) meeting the needs of children served under this Act, including children in high-poverty areas, migratory children, children with limited-English proficiency, neglected or delinquent children, homeless children and youth, Indian children, and children with disabilities;

"(C) professional development for teachers, pupil services personnel, other school staff, and administrators to help students meet challenging State content standards and challenging State student performance standards;

"(D) bilingual education, including programs that emphasize English and native language proficiency, and promote multicultural understanding;

"(E) safe and drug-free schools;

"(F) educational applications of technology;

"(G) parent involvement and participation;

"(H) the reform of schools and school systems;

"(I) the special needs of students living in rural areas and the special needs of local educational agencies serving rural areas; and

"(J) program evaluation;

"(2) ensure that technical assistance staff have sufficient training, knowledge, and expertise in how to integrate and coordinate programs assisted under this Act, as well as integrating and coordinating programs assisted under this Act with other Federal, State, and local programs and reforms;

"(3) work collaboratively with the Department's regional offices;

"(4) provide technical assistance using the highest quality and most cost-effective strategies possible;

"(5) provide information and assistance regarding exemplary and promising practices;

"(6) work collaboratively, and coordinate the services such center provides, with the general reform assistance provided by the regional educational laboratories and the National Diffusion Network State Facilitators supported by the Office of Educational Research and Improvement; and

"(7) consult with representatives of State educational agencies, local educational agencies, and populations served under this Act.

**"SEC. 2306. INFORMATION COLLECTION AND EVALUATION.**

"The Secretary shall evaluate activities assisted under this part, and shall report to the President and the Congress on the effectiveness of such activities by January 1, 1998.

**"SEC. 2307. TRANSITION.**

"(a) IN GENERAL.—The Secretary shall use funds appropriated to carry out this part for at least fiscal years 1995 and 1996 in order to ensure an orderly transition and phase-in of the comprehensive regional centers assisted under this subpart.

"(b) EXTENSION OF PREVIOUS CENTERS.—In accordance with subsection (a), and notwithstanding any other provisions of law, the Secretary shall use funds appropriated to carry out this part to draw on the expertise of staff and services from existing categorical assistance centers assisted under this Act (as such Act was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and, where appropriate and feasible, to continue to support, through grants or the extension of awards, such centers in order to ensure that services will not be interrupted, curtailed, or substantially diminished.

**"SEC. 2308. AUTHORIZATION OF APPROPRIATIONS.**

"For the purpose of carrying out this subpart, there are authorized to be appropriated $70,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**"Subpart 2—National Diffusion Network**

**"SEC. 2311. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—In order to increase the effectiveness of the comprehensive regional centers established under subpart 1 and to promote school reform, the Secretary shall carry out a State-based outreach, consultation, and dissemination program through the National Diffusion Network and its State Facilitators. To carry out such program, the Secretary shall make one or more awards in each State to public educational agencies or public or private nonprofit educational organizations or institutions to assist State and local educational agencies, schools, and other appropriate educational entities in that State to identify and implement exemplary or promising educational programs and practices.

"(b) STATE FACILITATOR ACTIVITIES.—The National Diffusion Network State Facilitators for each State shall—

"(1) identify educational programs and practices for possible dissemination throughout the State and Nation;

"(2) identify needs for assistance throughout the State, including educational technology needs;

"(3) provide professional development and technical assistance services;

"(4) promote and facilitate teacher networks throughout the State; and

"(5) provide such other outreach, coordination, and dissemination services as may be necessary to achieve the purposes of this subpart.

"(c) COORDINATION AND ADMINISTRATION.—

"(1) COORDINATION.—The National Diffusion Network State Facilitators shall work in close cooperation, and coordinate their activities, with the comprehensive regional centers established under subpart 1.

"(2) ADMINISTRATION.—The National Diffusion Network State Facilitators program shall be administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994.

"(d) NATIONAL DIFFUSION NETWORK EFFECTIVE PROGRAMS AND PROMISING PRACTICES SYSTEM.—The Secretary shall develop a system of validating effective programs and promising practices for dissemination through the National Diffusion Network. Such system may include exemplary programs funded through any office of the Department, the National Science Foundation, or other Federal agencies. Such system shall be coordinated, aligned with, and administered by the Office of Reform Assistance and Dissemination established under section 941(b) of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Secretary shall give priority to identifying, validating, and disseminating effective schoolwide projects, programs addressing the needs of high poverty schools, and programs with the capacity to offer high-quality, sustained technical assistance. The Office of Educational Research and Improvement Office of Reform Assistance and Dissemination shall also administer a grant program for the purpose of dissemination and the provision of technical assistance regarding such system.

**"SEC. 2312. AUTHORIZATION OF APPROPRIATIONS.**

"For the purpose of carrying out this subpart, there are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**"Subpart 3—Eisenhower Regional Mathematics and Science Education Consortiums**

**"SEC. 2321. PROGRAM ESTABLISHED.**

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—The Secretary, in consultation with the Director of the National Science Foundation, is authorized to award grants or contracts to eligible entities to enable such entities to establish and operate regional mathematics and science education consortia for the purpose of—

"(A) disseminating exemplary mathematics and science education instructional materials; and

"(B) providing technical assistance for the implementation of teaching methods and assessment tools for use by elementary and secondary school students, teachers and administrators.

"(2) NUMBER.—The Secretary shall, in accordance with the provisions of this section, award at least 1 grant or contract to an eligible entity in each region.

"(3) SPECIAL RULE.—In any fiscal year, if the amount made available pursuant to section 2328 is less than $4,500,000, then the Secretary may waive the provisions of paragraph (2) and award grants or contracts of sufficient size, scope and quality to carry out this section.

"(4) DESIGNATION.—Each regional consortium assisted under this section shall be known as an 'Eisenhower regional consortium'.

"(b) GRANT TERM AND REVIEW.—Grants or contracts under this subpart shall be awarded for a period of not more than 5 years and shall be reviewed before the end of the 30-month period beginning on the date the grant or contract is awarded. Grants or contracts under this subpart shall be awarded before the end of the 12-month period beginning on the date of the enactment of an Act making appropriations to carry out the provisions of this subpart.

"(c) AMOUNT.—In awarding grants or contracts under this subpart, the Secretary shall assure that there is a relatively equal distribution of the funds made available among the regions, but the Secretary may award additional funds to a regional consortium on the basis of population and geographical conditions of the region being served.

**"SEC. 2322. USE OF FUNDS.**

"Funds provided under this subpart may be used by a regional consortium, under the direction of a regional board established pursuant to section 2324, to—

"(1) work cooperatively with the other regional consortiums and the Eisenhower National Clearinghouse for Science and Mathematics Education established under section 2123 to more effectively accomplish the activities described in this section;

"(2) assist, train and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess or adapt the instructional materials, teaching methods and assessment tools described in paragraph (1);

"(3) provide for the training of classroom teachers to enable such teachers to instruct other teachers, administrators, and educators in the use of the instructional materials, teaching methods and assessment tools described in paragraph (1) in the classroom;

"(4) when necessary, provide financial assistance to enable teachers and other educators to attend and participate in the activities of the regional consortium;

"(5) implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(6) assist State and local educational agencies in identifying science equipment needs and help such agencies or consortia thereof assess the need for and desirability of regional mathematics and science academies;

"(7) develop and disseminate early childhood education mathematics and science instructional materials;

"(8) disseminate information regarding informal mathematics and science education activities and programs offered by Federal agencies and private or public agencies and institutions within the region;

"(9) collect data on activities assisted under this subpart in order to evaluate the effectiveness of the activities of the regional consortiums;

"(10) identify exemplary teaching practices and materials from within the region and communicate such practices and materials to the Eisenhower National Clearinghouse for Mathematics and Science Education;

"(11) communicate, on a regular basis, with entities within the region who are delivering services to students and teachers of mathematics and science;

"(12) assist in the development and evaluation of State and regional plans and activities that hold promise of bringing about systemic reform in student performance in mathematics and science; and

"(13) increase the use of informal education entities (such as science technology centers, museums, libraries, Saturday academies, and 4H programs) for educational purposes to expand student knowledge and understanding.

**"SEC. 2323. APPLICATION AND REVIEW.**

"(a) IN GENERAL.—Each eligible entity desiring a grant or contract under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may reasonably require. Each such application shall—

"(1) demonstrate that the eligible entity has demonstrated expertise in the fields of mathematics and science education;

"(2) demonstrate that the eligible entity shall implement and disseminate mathematics and science education instructional materials, teaching methods, and assessment tools through a consortium of the region's mathematics and science education organizations and agencies;

"(3) demonstrate that the eligible entity shall carry out the functions of the regional consortium;

"(4) demonstrate that emphasis will be given to programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education;

"(5) demonstrate that the business community in the region served by the regional consortium will play an integral role in designing and supporting the regional consortium's work;

"(6) demonstrate that the eligible entity will consider the resources of existing Star Schools consortia established pursuant to the Star Schools Program Assistance Act in carrying out the provisions of this subpart, where appropriate; and

"(7) assure that the entity will conduct its activities and supervise its personnel in a manner that effectively ensures compliance with the copyright laws of the United States under title 17, United States Code.

"(b) APPROVAL OF APPLICATION.—

"(1) IN GENERAL.—The Secretary shall approve or disapprove applications submitted pursuant to subsection (a) in accordance with the criteria and procedures established under paragraph (2).

"(2) PROCEDURES AND CRITERIA.—The Secretary shall develop procedures and criteria designed to ensure that grants or contracts are awarded on the basis of merit as determined by the competitive peer review process described in paragraph (3).

"(3) NATIONAL PANEL.—(A) The Secretary, in consultation with the Director, shall establish a national panel, or to the extent necessary, panels, to submit to the Secretary recommendations for awards of grants or contracts under this subpart. The Secretary shall appoint the members of such panel or panels.

"(B) Each panel appointed under subparagraph (A) shall include participation, to the extent feasible, from each region.

**"SEC. 2324. REGIONAL BOARDS.**

"(a) IN GENERAL.—Each eligible entity receiving a grant or contract under this subpart shall establish a regional board to oversee the administration and establishment of program priorities for the regional consortium established by such eligible entity. Such regional board shall be broadly representative of the agencies and organizations participating in the regional consortium.

"(b) PROHIBITION ON USE OF FEDERAL FUNDS.—No Federal funds may be used for the establishment or operation of a regional board required by subsection (a), except that at the discretion of a regional board, Federal funds may be used to provide assistance such as travel and accommodations for board members who could not otherwise afford to participate as members of the board.

**"SEC. 2325. PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.**

"(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 2323 the Federal share of the cost of the activities described in the application.

"(b) FEDERAL SHARE.—For the purpose of subsection (a), the Federal share shall be 80 percent.

"(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of activities described in the application submitted pursuant to this section may be in cash or in kind, fairly evaluated. At least 10 percent of such non-Federal share shall be from sources other than the Federal Government or State or local government.

**"SEC. 2326. EVALUATION.**

"(a) EVALUATION REQUIRED.—The Secretary, through the Office of Educational Research and Improvement and in accordance with section 10701, shall collect sufficient data on, and evaluate the effectiveness of, the activities of each regional consortium.

"(b) ASSESSMENT.—The evaluations described in paragraph (1) shall include an assessment of the effectiveness of the regional consortium in meeting the needs of the schools, teachers, administrators and students in the region.

"(c) REPORT.—At the end of each grant or contract period, the Secretary shall submit to the Congress a report on the effectiveness of the programs conducted at each regional consortium.

**"SEC. 2327. DEFINITIONS.**

"For purposes of this subpart:

"(1) The term 'eligible entity' means—

"(A) a private nonprofit organization of demonstrated effectiveness;

"(B) an institution of higher education;

"(C) an elementary or secondary school;

"(D) a State or local educational agency;

"(E) a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or

"(F) any combination of the entities described in subparagraphs (A) through (E),

with demonstrated expertise in mathematics and science education.

"(2) The terms 'mathematics' and 'science' include the technology education associated with such mathematics and science, respectively.

"(3) The term 'region' means a region of the United States served by a regional education laboratory that is supported by the Secretary pursuant to section 405(d)(4)(A)(i) of the General Education Provisions Act (as such section was in existence on the day preceding the date of enactment of the Goals 2000: Educate America Act.

"(4) The term 'regional consortium' means each regional mathematics and science education consortium established pursuant to section 2311.

"(5) The term 'State agency for higher education' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this title by the Governor or by State law.

**"SEC. 2328. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $23,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this subpart.

**"PART D—TERRITORIAL TEACHER TRAINING PROGRAM**

**"SEC. 2401. TERRITORIAL TEACHER TRAINING PROGRAM.**

"There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, for the purpose of assisting teacher training programs in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. From the sums appropriated pursuant to this section the Secretary shall make grants and enter into contracts for the purpose of providing training to teachers in schools in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau. The Secretary may make grants to or contracts with any organization considered qualified to provide training for teachers in such schools and shall allot such sums among such territories on the basis of the need for such training.

**"PART E—TELECOMMUNICATIONS DEMONSTRATION PROJECT FOR MATHEMATICS**

**"SEC. 2501. PROJECT AUTHORIZED.**

"The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based demonstration project to improve the teaching of mathematics. The demonstration project authorized by this part shall be designed to assist elementary and secondary school teachers in preparing all students for achieving State content standards.

**"SEC. 2502. APPLICATION REQUIRED.**

"(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

"(1) demonstrate that the applicant will use the existing publicly funded telecommunications infrastructure to deliver video, voice and data in an integrated service to train teachers in the use of new standards-based curricula materials and learning technologies;

"(2) assure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, State or local nonprofit public telecommunications entities, and a national mathematics education professional association that has developed content standards;

"(3) assure that a significant portion of the benefits available for elementary and secondary schools from the project for which assistance is

*sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and*

*"(4) contain such additional assurances as the Secretary may reasonably require.*

*"(b) APPROVAL OF APPLICATIONS; NUMBER OF DEMONSTRATION SITES.—In approving applications under this section, the Secretary shall assure that the demonstration project authorized by this subpart is conducted at elementary and secondary school sites in at least 15 States.*

***"SEC. 2503. AUTHORIZATION OF APPROPRIATIONS.***

*"There are authorized to be appropriated to carry out this part, $5,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.*

***"TITLE III—TECHNOLOGY FOR EDUCATION***

***"SEC. 3001. SHORT TITLE.***

*"This title may be cited as the 'Technology for Education Act of 1994'.*

***"PART A—EDUCATIONAL TECHNOLOGY FOR ALL STUDENTS***

***"SEC. 3111. FINDINGS.***

*"The Congress finds that—*

*"(1) technology applications can help propel our Nation's school systems into very immediate and dramatic reform, without which our Nation will not meet the National Education Goals by the target year 2000;*

*"(2) creative uses of technology can reshape our Nation's outdated method of providing education and empower teachers to create an environment where students can be challenged through rigorous, rich classroom instruction at a pace that suits the learning style of each student;*

*"(3) the acquisition and use of technology in education throughout the United States has been inhibited by—*

*"(A) the limited exposure of students and teachers to the power of technology as a cost-effective tool to improve student learning and achievement;*

*"(B) the inability of many State and local educational agencies to invest in and support needed technologies;*

*"(C) the lack of appropriate electrical and telephone connections in the classroom; and*

*"(D) the limited availability of technology-enhanced curriculum, professional development and administrative support resources and services in the educational marketplace;*

*"(4) advancements in technology offer new opportunities to promote partnerships among teachers, administrators, students, parents, communities, and industry in the quest for knowledge and the process of learning;*

*"(5) technology, when used as an essential tool in the learning process, will help cultivate and maintain a technologically literate citizenry and internationally competitive work force;*

*"(6) the Department of Education, consistent with the overall national technology policy established by the President, must assume a vital leadership and coordinating role in developing the national vision and strategy to infuse advanced technology throughout all educational programs;*

*"(7) Federal support can ease the burden at the State and local levels by enabling the acquisition of advanced technology and initiating the development of teacher training and support as well as new educational products;*

*"(8) leadership at the Federal level should consider guidelines to ensure that educational technology is accessible to all users with maximum interoperability nationwide;*

*"(9) policies at the Federal, State, and local levels concerning technology in education must address disparities in the availability of technology to different groups of students and make it a priority to serve those students in greatest need;*

*"(10) continuing professional development for teachers and administrators requires ongoing exposure to advancements in technology in order to keep such teachers and administrators excited and knowledgeable about the unfolding opportunities for the classroom; and*

*"(11) the increasing use of new technologies and telecommunications systems in business has increased the gap between schooling and work force preparation, and underscores the need for technology policies at the Federal, State, tribal, and local levels that address preparation for school-to-work transitions.*

***"SEC. 3112. STATEMENT OF PURPOSE.***

*"It is the purpose of this part—*

*"(1) to promote equal access for all students to educational opportunities through advances in technology, including the information infrastructure, in order to achieve the National Education Goals by the year 2000;*

*"(2) to provide funding that will assist activities undertaken by the State and local school districts to promote and provide equipment, teacher training, and technical support;*

*"(3) to support technical assistance, professional development, information and resource dissemination, in order to help States, local school districts, and teachers successfully integrate technology into kindergarten through 12th grade classrooms;*

*"(4) to support the development of educational and instructional programming in core subject areas, which programming shall address the National Education Goals;*

*"(5) to offer opportunities for creative partnerships within the marketplace in order to develop state-of-the-art educational technology products that promote the use of advanced technologies in the classroom;*

*"(6) to avoid duplication and the development of incompatible systems by strengthening and building upon existing telecommunications infrastructures dedicated to educational purposes; and*

*"(7) to ensure that uses of educational technology are consistent with the overall national technology policy established by the President.*

***"SEC. 3113. DEFINITIONS.***

*"For the purpose of this part—*

*"(1) the term 'all students' means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited-English proficiency, students who have dropped out of school, and academically talented students;*

*"(2) the term 'information infrastructure' means a network of communication systems designed to exchange information among all citizens and residents of the United States;*

*"(3) the term 'instructional programming' means the full range of audio and video data, text, graphics, or additional state-of-the-art communications, including multimedia based resources distributed through interactive, command and control, or passive methods for the purpose of education and instruction;*

*"(4) the terms 'interoperable' and 'interoperability' refer 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;*

*"(5) the term 'local educational agency' includes an elementary or secondary school funded by the Bureau of Indian Affairs, except that such schools shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs;*

*"(6) the term 'Office' means the Office of Educational Technology;*

*"(7) the term 'public telecommunications entity' has the same meaning given to such term by section 397(12) of the Communications Act of 1934;*

*"(8) the term 'State educational agency' includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part; and*

*"(9) the term 'technology' means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer, video and audio laser and CD-ROM discs, and video and audio tapes.*

***"Subpart 1—National Programs in Technology for Education***

***"SEC. 3121. PURPOSES.***

*"It is the purpose of this subpart to promote achievement of the National Education Goals and—*

*"(1) to provide leadership at the Federal level, through the Department, by developing a national vision and strategy—*

*"(A) to infuse technology and technology planning into all educational programs and training functions carried out within school systems at the State, tribal, and local levels;*

*"(B) to coordinate educational technology activities among the related Federal and State departments or agencies, industry leaders, and interested educational and parental organizations;*

*"(C) to establish working guidelines to ensure maximum interoperability nationwide and ease of access for the emerging technologies so that no school system will be excluded from the technological revolution; and*

*"(D) to ensure that Federal technology-related policies and programs facilitate the use of technology in education;*

*"(2) to promote awareness of the potential of technology for improving teaching and learning;*

*"(3) to support State and local efforts to increase the effective use of technology for education;*

*"(4) to demonstrate ways in which technology can be used to improve teaching and learning, and to help ensure that all students have an equal opportunity to meet challenging State education standards;*

*"(5) to ensure the availability and dissemination of knowledge (drawn from research and experience) that can form the basis for sound State and local decisions about investment in, and effective uses of, educational technology;*

*"(6) to promote high-quality professional development opportunities for teachers, pupil-services personnel and administrators regarding the integration of technology into instruction and administration;*

*"(7) to support development, production, and distribution of technology enhanced curriculum, and instruction and administrative support resources and services;*

*"(8) to promote the effective uses of technology in existing Federal education programs, such as part A of title I and vocational education programs; and*

*"(9) to monitor, and disseminate information regarding, advancements in technology to encourage the development of effective educational uses of technology.*

***"SEC. 3122. FEDERAL LEADERSHIP.***

*"(a) ACTIVITIES AUTHORIZED.—*

*"(1) IN GENERAL.—In order to provide Federal leadership that promotes higher student achievement through the use of technology in education and to achieve the purposes of this subpart, the Secretary, in consultation with the Office of Science and Technology Policy, the National Science Foundation, the United States National Commission on Libraries and Information Sciences, the Department of Commerce, the*

*Department of Energy, the National Aeronautics and Space Administration, the Bureau of Indian Affairs, and other appropriate Federal departments or agencies, may carry out activities designed to achieve the purposes of this subpart.*

*"(2) TRANSFER OF FUNDS.—For the purpose of carrying out coordinated or joint activities to achieve the purposes of this subpart, the Secretary may accept funds from, or transfer funds to, other Federal departments or agencies.*

*"(b) NATIONAL LONG-RANGE TECHNOLOGY PLAN.—*

*"(1) IN GENERAL.—The Secretary shall develop and publish within 12 months of the date of enactment of the Improving America's Schools Act of 1994, and update when the Secretary determines appropriate, a national long-range plan that supports the overall national technology policy and carries out the purposes of this subpart.*

*"(2) PLAN REQUIREMENTS.—The Secretary shall—*

*"(A) develop the national long-range plan in consultation with other Federal departments or agencies, State and local education practitioners and policymakers, experts in technology and the educational applications of technology, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act, and providers of technology services and products;*

*"(B) transmit such plan to the President and to the appropriate committees of the Congress; and*

*"(C) publish such plan in a form that is readily accessible to the public.*

*"(3) CONTENTS OF THE PLAN.—The national long-range plan shall describe the Secretary's activities to promote the purposes of this subpart, including—*

*"(A) how the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve State content standards and State student performance standards, especially through programs administered by the Department;*

*"(B) joint activities in support of the overall national technology policy with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—*

*"(i) to promote the use of technology in education, and training and lifelong learning, including plans for the educational uses of a national information infrastructure; and*

*"(ii) to ensure that the policies and programs of such departments or agencies facilitate the use of technology for educational purposes, to the extent feasible;*

*"(C) how the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector to facilitate the effective use of technology in education;*

*"(D) how the Secretary will promote—*

*"(i) higher achievement of all students through the integration of technology into the curriculum;*

*"(ii) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;*

*"(iii) the use of technology to assist in the implementation of State systemic reform strategies;*

*"(iv) the application of technological advances to use in education; and*

*"(v) increased opportunities for the professional development of teachers in the use of new technologies;*

*"(E) how the Secretary will determine, in consultation with appropriate individuals, organizations, industries, and agencies, the feasibility and desirability of establishing guidelines to facilitate an easy exchange of data and effective use of technology in education;*

*"(F) how the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the effective use of technology in education;*

*"(G) how the Secretary will utilize the outcomes of the evaluation undertaken pursuant to section 3206(c)(2) to promote the purposes of this subpart; and*

*"(H) the Secretary's long-range measurable goals and objectives relating to the purposes of this subpart.*

*"(c) ASSISTANCE.—The Secretary shall provide assistance to the States to enable such States to plan effectively for the use of technology in all schools throughout the State in accordance with the purpose and requirements of section 317 of the Goals 2000: Educate America Act.*

*"(d) USES OF FUNDS.—*

*"(1) IN GENERAL.—The Secretary shall use funds made available to carry out this section for activities designed to carry out the purpose of this subpart, including—*

*"(A) providing assistance to technical assistance providers to enable such providers to improve substantially the services such providers offer to educators regarding the educational uses of technology, including professional development;*

*"(B) consulting with representatives of industry, elementary and secondary education, higher education, and appropriate experts in technology and the educational applications of technology, in carrying out the activities assisted under this subpart;*

*"(C) research on, and the development of, guidelines to facilitate maximum interoperability, efficiency and easy exchange of data for effective use of technology in education;*

*"(D) research on, and the development of, educational applications of the most advanced and newly emerging technologies;*

*"(E) the development, demonstration, and evaluation of applications of existing technology in preschool education, elementary and secondary education, training and lifelong learning, and professional development of educational personnel;*

*"(F) the development and evaluation of software and other products, including multimedia television programming, that incorporate advances in technology and help achieve the National Education Goals, State content standards and State student performance standards;*

*"(G) the development, demonstration, and evaluation of model strategies for preparing teachers and other personnel to use technology effectively to improve teaching and learning;*

*"(H) the development of model programs that demonstrate the educational effectiveness of technology in urban and rural areas and economically distressed communities;*

*"(I) research on, and the evaluation of, the effectiveness and benefits of technology in education, giving priority to research on, and evaluation of, such effectiveness and benefits in elementary and secondary schools;*

*"(J) a biennial 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, tribal, and local governments may rely for decisionmaking 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;*

*"(K) conferences on, and dissemination of information regarding, the uses of technology in education;*

*"(L) the development of model strategies to promote gender equity in the use of technology;*

*"(M) encouraging collaboration between the Department and other Federal agencies in the development, implementation, evaluation and funding of applications of technology for education, as appropriate; and*

*"(N) such other activities as the Secretary determines will meet the purposes of this subpart.*

*"(2) SPECIAL RULES.—*

*"(A) The Secretary shall carry out the activities described in paragraph (1) directly or by grant or contract.*

*"(B) Each grant or contract under this section shall be awarded—*

*"(i) on a competitive basis; and*

*"(ii) pursuant to a peer review process.*

*"(e) NON-FEDERAL SHARE.—*

*"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may require any recipient of a grant or contract under this section to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.*

*"(2) INCREASE.—The Secretary may increase the non-Federal share that is required of a recipient of a grant or contract under this section after the first year such recipient receives funds under such grant or contract.*

*"(3) MAXIMUM.—The non-Federal share required under this section shall not exceed 50 percent of the cost of the activities assisted pursuant to a grant or contract under this section.*

*"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.*

***"SEC. 3123. REGIONAL TECHNICAL SUPPORT AND PROFESSIONAL DEVELOPMENT.***

*"(a) GRANTS AUTHORIZED.—*

*"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall make grants, on a competitive basis, to regional educational technology assistance consortia in accordance with the provisions of this section. In awarding grants under this section, the Secretary shall ensure that each geographic region of the United States shall be served by such a consortium.*

*"(2) REQUIREMENTS.—Each consortium receiving a grant under this section shall—*

*"(A) be composed of State educational agencies, institutions of higher education, nonprofit organizations, or a combination thereof;*

*"(B) in cooperation with State and local educational agencies, develop a regional program that addresses professional development, technical assistance, and information resource dissemination, with special emphasis on meeting the documented needs of educators and learners in the region; and*

*"(C) foster regional cooperation and resource and coursework sharing.*

*"(3) SPECIAL RULE.—Each consortium receiving a grant under this section shall use not less than 80 percent of the grant funds to carry out paragraph (2) of subsection (b).*

*"(b) FUNCTIONS.—*

*"(1) TECHNICAL ASSISTANCE.—Each consortium receiving a grant under this section shall—*

*"(A) collaborate with State educational agencies and local educational agencies requesting collaboration, particularly in the development of strategies for assisting those schools with the highest numbers or percentages of disadvantaged students with little or no access to technology in the classroom;*

*"(B) provide information, in coordination with information available from the Secretary, to State educational agencies, local educational agencies, and schools on the types and features*

*of various educational technology equipment and software available, evaluate and make recommendations on equipment and software that support the National Education Goals and are suited for a school's particular needs, and compile and share information regarding creative and effective applications of technology in the classroom in order to support the purposes of this subpart;*

*"(C) collaborate with such State educational agencies, local educational agencies, or schools requesting to participate in the tailoring of software programs and other supporting materials to meet State content standards or State student performance standards that may be developed; and*

*"(D) provide technical assistance to facilitate use of the electronic dissemination networks by State and local educational agencies and schools throughout the region.*

*"(2) PROFESSIONAL DEVELOPMENT.—Each consortium receiving a grant under this section shall—*

*"(A) develop and implement, in collaboration with State educational agencies and institutions of higher education, technology-specific, ongoing professional development, such as—*

*"(i) intensive school year and summer workshops that use teachers to train other teachers; and*

*"(ii) distance educational professional development, including—*

*"(I) interactive training telecourses using researchers, educators, and telecommunications personnel who have experience in developing, implementing, or operating educational and instructional technology as a learning tool;*

*"(II) onsite courses teaching teachers to use educational and instructional technology and to develop their own instructional materials for effectively incorporating technology and programming in their own classrooms;*

*"(III) methods for successful integration of instructional technology into the curriculum in order to improve student learning and achievement;*

*"(IV) video conferences and seminars which offer professional development through peer interaction with experts as well as other teachers using technologies in their classrooms; and*

*"(V) mobile education technology and training resources;*

*"(B) develop training resources that—*

*"(i) are relevant to the needs of the region and schools within the region;*

*"(ii) are relevant to the needs of adult literacy staff and volunteers, including onsite courses on how to—*

*"(I) use instructional technology; and*

*"(II) develop instructional materials for adult learning; and*

*"(iii) are aligned with the needs of teachers and administrators in the region;*

*"(C) establish a repository of professional development and technical assistance resources;*

*"(D) identify and link technical assistance providers to State and local educational agencies, as needed;*

*"(E) provide followup to ensure that training, professional development, and technical assistance meet the needs of educators, parents and students served by the region;*

*"(F) assist colleges and universities within the region to develop and implement preservice training programs for students enrolled in teacher education programs; and*

*"(G) assist local educational agencies and schools in working with community members and parents to develop support from communities and parents for educational technology programs and projects.*

*"(3) INFORMATION AND RESOURCE DISSEMINATION.—Each consortium receiving a grant under this section shall—*

*"(A) assist State and local educational agencies in the identification and procurement of financial, technological and human resources needed to implement technology plans;*

*"(B) provide outreach and, at the request of a State or local educational agency, work with such agency to assist in the development and validation of instructionally based technology education resources; and*

*"(C) coordinate activities and establish partnerships with organizations and institutions of higher education that represent the interests of the region as such interests pertain to the application of technology in teaching, learning, instructional management, dissemination, collection and distribution of educational statistics, and the transfer of student information.*

*"(4) COORDINATION.—Each consortium receiving a grant under this section shall work collaboratively, and coordinate the services the consortium provides, with appropriate entities assisted in whole or in part by the Department.*

*"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.*

***"SEC. 3124. EDUCATIONAL TECHNOLOGY PRODUCT DEVELOPMENT.***

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

*"(1) support development of curriculum-based learning resources using state-of-the-art technologies and techniques designed to improve student learning; and*

*"(2) support development of long-term comprehensive instructional programming and associated support resources that ensure maximum access by all educational institutions.*

*"(b) FEDERAL ASSISTANCE AUTHORIZED.—*

*"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants, on a competitive basis, to eligible consortia to pay the Federal share of the cost of developing, producing, and distributing products consisting of curriculum-based learning resources, services, and instructional programming for teachers and students, which incorporate state-of-the-art applications of advanced technology, including educational radio and television.*

*"(2) ELIGIBLE CONSORTIUM.—For the purpose of this subsection the term 'eligible consortium' means a consortium—*

*"(A) that shall include—*

*"(i) a State or local educational agency; and*

*"(ii) a business, industry or telecommunications entity; and*

*"(B) that may include—*

*"(i) a public or private nonprofit organization; or*

*"(ii) a postsecondary institution.*

*"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications describing products that are developed—*

*"(A) so that the product may be adapted and applied nationally at a reasonable cost over a broad technology platform;*

*"(B) to raise the achievement levels of all students, particularly students who are not realizing their potential;*

*"(C) in consultation with classroom teachers;*

*"(D) through consultation and collaboration with appropriate education entities in designing the product to ensure relevance to the voluntary national content standards, the voluntary national student performance standards and State curriculum frameworks; and*

*"(E) so that the product can be adapted for use by adults in need of literacy services, including English as a second language and preparation for a secondary school diploma or its recognized equivalent.*

*"(4) MATCHING REQUIREMENT.—The Secretary may require any recipient of a grant or contract under this subpart to share in the cost of the activities assisted under such grant or contract, which non-Federal share shall be announced through a notice in the Federal Register and may be in the form of cash or in-kind contributions, fairly valued.*

*"(5) REQUIREMENTS FOR FEDERAL ASSISTANCE.—Each eligible consortium desiring Federal assistance under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe. Each application shall include—*

*"(A) a description of how the product will improve the achievement levels of students;*

*"(B) a description of how the activities assisted under this section will promote professional development of teachers and administrators in the uses and applications of the product, including the development of training materials;*

*"(C) a description of design, development, field testing, evaluation, and distribution of products, where appropriate;*

*"(D) an assurance that the product shall effectively serve a significant number or percentage of economically disadvantaged students;*

*"(E) plans for dissemination of products to a wide audience of learners;*

*"(F) provisions for closed captioning or descriptive video, where appropriate;*

*"(G) a description of how ownership and rights to the use and marketing of any product developed by the consortium, including intellectual property rights, will be allocated among consortium participants; and*

*"(H) a description of the contributions, including services and funds, to be made by each member of the consortium, and how any revenues derived from the sale of any product developed by the consortium shall be distributed.*

*"(c) CONSUMER REPORT.—The Secretary shall disseminate information about products developed pursuant to provisions of this section to State and local educational agencies, and other organizations or individuals that the Secretary determines to be appropriate, through print and electronic media that are accessible to the education community at large.*

*"(d) PROCEEDS.—The Secretary shall not prohibit an eligible consortium or any of the members of such consortium from receiving financial benefits from the distribution of any products resulting from the assistance received under this section. Notwithstanding any other provision of law, any profits or royalties received by a State educational agency, local educational agency, or other nonprofit member of an eligible consortium receiving assistance under this section shall be used to support further development of curriculum-based learning resources, services, and programming or to provide access to such products for a wider audience.*

*"(e) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated $50,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.*

***"SEC. 3125. RESEARCH ON EDUCATIONAL APPLICATIONS OF ADVANCED TECHNOLOGIES.***

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

*"(1) provide direction and support for the conduct of research on advanced educational technologies; and*

*"(2) provide support for long-term, comprehensive educational applications of advanced high performance computer and communication technologies and video technologies in support of the core subjects of the National Education Goals.*

*"(b) GENERAL AUTHORITY.—The Secretary, consistent with the overall national technology*

*policy established by the President, and in cooperation with other Federal departments and agencies, is authorized to support research on educational applications of advanced learning technologies.*

*"(c) GRANTS AUTHORIZED.—The Secretary, through the Office of Educational Technology, shall award grants to or enter into contracts for research projects intended to develop educational applications of advanced technologies.*

*"(d) APPLICATION.—Each entity desiring assistance under this section shall submit to the Secretary an application at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall—*

*"(1) define clearly the scope and content of the subject matter of the research and the relevance of the advanced technology to such content;*

*"(2) describe the potential market for both the hardware and software developed under this section; and*

*"(3) assess the applications of the advanced technology in a way that will validate the technology's impact on student learning and achievement.*

*"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.*

***"SEC. 3126. HIGH PERFORMANCE EDUCATIONAL COMPUTING AND TELECOMMUNICATIONS NETWORKS.***

*"(a) PURPOSE.—It is the purpose of this section to support the development, demonstration, and evaluation of the educational aspects of high performance computing and communication technologies and of the national information infrastructure, including the use of high performance computing and communication and the national information infrastructure in—*

*"(1) providing professional development for teachers and other educators, as appropriate;*

*"(2) enhancing academic curricula for elementary and secondary school students in order to provide such students with opportunities to meet challenging State student performance standards;*

*"(3) facilitating communications among schools, local educational agencies, parents of students, and local communities;*

*"(4) facilitating an effective transition from secondary school to employment; and*

*"(5) other such areas of education as the Secretary deems appropriate.*

*"(b) AUTHORITY.—*

*"(1) IN GENERAL.—(A) The Secretary, consistent with the overall national technology policy established by the President, and in cooperation with other Federal departments and agencies, shall support the development of an electronic network program for the dissemination of educational information throughout the United States, including information about effective technology-enhanced programs, resources and services.*

*"(B) In carrying out subparagraph (A) the Secretary shall—*

*"(i) to the extent possible, coordinate activities assisted under this section with other dissemination activities assisted by the Department in order to—*

*"(I) avoid duplication; and*

*"(II) utilize the existing resources of the Department;*

*"(ii) consult with educators, State and local educational agencies, telecommunications providers, and other appropriate education entities throughout the United States to determine information requirements and policies for the effective dissemination of information;*

*"(iii) provide access to the existing Department of Energy FEDIX/MOLIS Information System regarding information about excess equipment (computers and supporting materials) within the Federal Government that are available for transfer to elementary and secondary schools; and*

*"(iv) make use of existing networks or developing networks, to the extent possible.*

*"(2) REQUIREMENTS; SPECIFICATIONS; AND PROTOTYPE OPERATIONS.—The Secretary is authorized to—*

*"(A) identify educational high performance computing and telecommunications network requirements;*

*"(B) develop specifications for the implementation of such requirements within any national telecommunications network;*

*"(C) establish prototype operations on existing networks to validate and further develop the educational specifications which will facilitate the use of such networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents;*

*"(D) represent the needs and interests of elementary and secondary schools in the Federal planning and development of a national information infrastructure; and*

*"(E) identify policy issues, such as communication rate structures and intellectual property rights, that affect the ability of the public schools to make effective use of the emerging information highways, and make recommendations to the Congress regarding such issues.*

*"(c) TYPES OF GRANTS.—The Secretary, through the Office of Educational Technology, shall award the following types of grants:*

*"(1) REQUIREMENTS GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for the identification of educational high performance computing and telecommunications network requirements. The solicitation shall request proposals to—*

*"(A) identify and describe existing and planned educational high performance computing and telecommunications network efforts;*

*"(B) identify potential uses of such networks in kindergarten through 12th grade education by schools throughout the United States;*

*"(C) assess impediments to the development of such networks in kindergarten through 12th grade education, such as—*

*"(i) technological impediments;*

*"(ii) availability of technology-enhanced curriculum, instruction, and administrative support resources and services in schools; and*

*"(iii) parent, student, teacher and administrator attitudes toward technology-enhanced education;*

*"(D) assess the anticipated costs and benefits to be derived from such network access in kindergarten through 12th grade education and recommend priorities for development of such network; and*

*"(E) identify the range of possible educational applications of, and potential sources of funding for, both networks and information resources and databases that exist or are being developed by other Federal departments or agencies.*

*"(2) SPECIFICATIONS GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for the design and development of educational specifications which may be used to ensure educational access to any national educational high performance computing and telecommunications network. The solicitation shall request proposals to—*

*"(A) incorporate—*

*"(i) the findings of the grant recipients under paragraph (1); and*

*"(ii) the priorities recommended for such networks by the Secretary consistent with the overall national technology policy established by the President;*

*"(B) provide for design alternatives and specifications that address—*

*"(i) linkage of schools and communities with each other, with central resource centers, and with Federal and State agencies over existing or planned telecommunications networks;*

*"(ii) uses of alternative connectivity modes, such as fiber optics, satellites, and land-based broadcasting;*

*"(iii) integrated uses of two-way interactive voice, video, and data communications;*

*"(iv) uses of interactive multimedia;*

*"(v) system capacity, such as maximum telecommunications traffic in a variety of use modes;*

*"(vi) availability of needed technologies;*

*"(vii) availability of support services; and*

*"(viii) assessment of the impact of proposed educational access specifications on existing or planned telecommunications networks; and*

*"(C) provide comprehensive specifications which will ensure educational access to any national educational high performance computing and telecommunications network as the primary deliverable product of the specifications grants described in this paragraph.*

*"(3) PROTOTYPE DEVELOPMENT GRANTS.—The Secretary shall solicit proposals for and award grants to 1 or more entities for prototype operations on existing networks in order to validate and further develop the educational specifications which will facilitate use of existing or planned educational high performance computing and telecommunications networks by kindergarten through 12th grade students, teachers, librarians, administrators, and parents. The solicitation shall request proposals to—*

*"(A) incorporate the design limits of the comprehensive educational high performance computing and telecommunications network specifications developed by grant recipients under paragraph (2);*

*"(B) support prototype operations for at least 1 year in a minimum of 5 test sites which are selected to represent a variety of economic, social, urban and rural settings;*

*"(C) provide for inservice training and technical assistance during the period of prototype operations;*

*"(D) provide provisions for the identification and correction of operational problems during the period of prototype operations (including design flaws);*

*"(E) include a comprehensive evaluation of all aspects of the prototype, including—*

*"(i) design flaws;*

*"(ii) training requirements, including resources and strategies for initial and on-going training;*

*"(iii) technical support requirements;*

*"(iv) financing constraints;*

*"(v) availability and utility of information resources and services accessed during the prototype operations period;*

*"(vi) factors which enhanced or impeded prototype operations; and*

*"(vii) an overall assessment of the impact of such technology on the educational process; and*

*"(F) provide recommended revisions of the Secretary's educational high performance computing and telecommunications network specifications based on findings of the comprehensive evaluation of prototype operations.*

*"(d) TIMELINE.—The Secretary, through the Office of Educational Technology, shall award grants under this section as follows:*

*"(1) REQUIREMENT GRANTS.—The Secretary shall award requirement grants under subsection (c)(1) within 6 months of the date of enactment of the Improving America's Schools Act of 1994.*

*"(2) DEVELOPMENT OF DESIGN SPECIFICATIONS.—The Secretary shall award grants under subsection (c)(2) within 18 months of the date of enactment of the Improving America's Schools Act of 1994.*

"(3) PROTOTYPE OPERATIONS.—The Secretary shall award grants under subsection (c)(3) within 30 months of the date of enactment of the Improving America's Schools Act of 1994.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

**"SEC. 3127. STUDY, EVALUATION AND REPORT OF FUNDING ALTERNATIVES.**

"The Secretary, through the Office of Educational Technology, shall conduct a study to evaluate, and report to the Congress on, the feasibility of several alternative models for providing sustained and adequate funding for schools throughout the United States so that such schools are able to acquire and maintain technology-enhanced curriculum, instruction, and administrative support resources and services. Such report shall be submitted to the Congress not later than 1 year after the date of enactment of the Improving America's Schools Act of 1994.

**"Subpart 2—State and Local Programs for School Technology Resources, Technical Support, and Professional Development**

**"SEC. 3131. STATEMENT OF PURPOSE.**

"It is the purpose of this subpart to provide Federal assistance in the form of grants to support—

"(1) the acquisition of equipment and supporting resources, training, and maintenance of technology; and

"(2) regional consortia to enable such consortia to provide professional development and technical assistance that fosters integration of technology into the kindergarten through 12th grade classrooms, libraries, and school library media centers.

**"SEC. 3132. SCHOOL TECHNOLOGY RESOURCE GRANTS.**

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having a systemic statewide plan that meets such criteria as the Secretary may establish in order to enable such agencies to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to—

"(A) purchase quality technology resources;

"(B) install various linkages necessary to acquire connectivity;

"(C) integrate technology into the curriculum in order to improve student learning and achievement;

"(D) provide teachers and library media personnel with training or access to training;

"(E) provide administrative and technical support and services that improve student learning through enriched technology-enhanced resources, including library media resources;

"(F) promote the sharing, distribution, and application of educational technologies that are determined to be effective in individual schools;

"(G) assist schools in promoting parent involvement; and

"(H) assist the community in providing literacy-related services.

"(2) AMOUNT.—(A) Except as provided in subparagraphs (B) and (C), the Secretary shall award grants under this section to each State educational agency for a fiscal year in an amount which bears the same relationship to the amount appropriated pursuant to the authority of subsection (b) for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

"(B) No State educational agency shall receive a grant pursuant to subparagraph (A) in any fiscal year in an amount which is less than one-half of 1 percent of the amount appropriated pursuant to the authority of subsection (b) for such year.

"(C) If the sum of the amounts appropriated pursuant to the authority of section 3132(c) is equal to or less than $50,000,000 for any fiscal year, then the Secretary shall award grants under this section for such year on a competitive basis to local educational agencies, either separately or in cooperation with a local educational agency or a State educational agency, which submit to the Secretary an application, containing the information described in paragraphs (1) through (3) of subsection (e), that the Secretary approves. In awarding such grants, the Secretary shall give priority to applications from local educational agencies with the highest number or percentage of disadvantaged students or the greatest need for educational technology.

"(3) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES; TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under this section shall—

"(A) identify the local educational agencies served by the State educational agency that—

"(i) have the highest number or percentage of children in poverty; and

"(ii) demonstrate to such State educational agency the greatest need for technical assistance in developing the application described in subsection (d); and

"(B) offer such technical assistance to such local educational agencies.

"(4) LIMITATION ON STATE COSTS.—Not more than 5 percent of grant funds awarded to a State educational agency under this section for any fiscal year may be used by the State or State educational agency for administrative costs or technical assistance.

"(b) SELECTION OF GRANTS.—Each State educational agency, in awarding grants under this section, shall—

"(1) ensure that each grant such agency awards to a local educational agency shall be of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this title effectively; and

"(2) award grants to local educational agencies on a competitive basis.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

"(d) LOCAL USES OF GRANT FUNDS.—Each local educational agency receiving assistance under this section may use such assistance—

"(1) to acquire connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and library media personnel in the classroom or in school library media centers, in order to improve student learning by supporting the instructional program offered by such agency to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

"(2) for ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies; and

"(3) to acquire connectivity with wide area networks for purposes of accessing information and educational programming sources.

"(e) LOCAL APPLICATIONS.—Each local educational agency desiring assistance from a State educational agency under this section shall submit an application consistent with the objectives of the systemic statewide plan to such agency at such time and in such manner as such agency may prescribe. Such application, at a minimum, shall—

"(1) include a strategic, long-range (3- to 5-year), plan that includes—

"(A) a description of the type of technologies to be acquired, including specific provisions for interoperability among components of such technologies and, to the extent practicable, with existing technologies;

"(B) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency enhance teaching, training, and student achievement;

"(C) an explanation of how programs will be developed in collaboration with existing adult literacy services providers to maximize the use of such technologies at times other than the regular school day;

"(D)(i) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the use of technology in the classroom or library media center; and

"(ii) a list of the source or sources of ongoing training and technical assistance available to schools, teachers and administrators served by the local educational agency, such as State technology offices, intermediate educational support units, regional educational laboratories or institutions of higher education;

"(E) a description of the supporting resources, such as services, software and print resources, which will be acquired to ensure successful and effective use of technologies acquired under this section;

"(F) the projected timetable for implementing such plan in schools;

"(G) the projected cost of technologies to be acquired and related expenses needed to implement such plan; and

"(H) a description of how the local educational agency will coordinate the technology provided pursuant to this subpart with other grant funds available for technology from State and local sources;

"(2) describe how the local educational agency will involve parents, public libraries, business leaders and community leaders in the development of such plan;

"(3) describe how the acquired instructionally based technologies will help the local educational agency—

"(A) promote equity in education in order to support State content standards and State student performance standards that may be developed; and

"(B) provide access for teachers, parents and students to the best teaching practices and curriculum resources through technology; and

"(4) describe a process for the ongoing evaluation of how technologies acquired under this section—

"(A) will be integrated into the school curriculum; and

"(B) will affect student achievement and progress toward meeting the National Education Goals and any State content standards and State student performance standards that may be developed.

"(f) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, in conjunction with requirements under this Act or the Goals 2000: Educate America Act, the State educational agency may approve such plan, or a component of such plan, notwithstanding the requirements of subsection (e) if the State educational agency determines that such approval would further the purposes of this section.

***"Subpart 3—Special Rule Applicable to Appropriations***

**"SEC. 3141. SPECIAL RULE.**

*"(a) APPROPRIATION OF LESS THAN $50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is less than $50,000,000, the Secretary shall aggregate such amounts and make available—*

*"(1) 50 percent of such aggregate amount to carry out subpart 1 for such year; and*

*"(2) 50 percent of such aggregate amount to carry out subpart 2 for such year.*

*"(b) APPROPRIATION EQUAL TO OR GREATER THAN $50,000,000.—Notwithstanding any other provision of law, for any fiscal year for which the sum of the amounts appropriated pursuant to the authority of sections 3122(f), 3123(b)(5), 3124(e), 3125(e), 3126(e), and 3132(c) is equal to or greater than $50,000,000, the Secretary shall aggregate such amounts and make available—*

*"(1) the sum of $25,000,000 plus 35 percent of such aggregate amount in excess of $50,000,000 to carry out subpart 1 for such year; and*

*"(2) the sum of $25,000,000 plus 65 percent of such aggregate amount in excess of $50,000,000 to carry out subpart 2 for such year.*

***"PART B—STAR SCHOOLS PROGRAM***

**"SEC. 3201. SHORT TITLE.**

*"This part may be cited as the 'Star Schools Act'.*

**"SEC. 3202. PURPOSE.**

*"It is the purpose of this part to encourage improved instruction in mathematics, science, and foreign languages as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited-English proficient, and disabled, through a star schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—*

*"(1) develop, construct, acquire, maintain and operate telecommunications audio and visual facilities and equipment;*

*"(2) develop and acquire educational and instructional programming; and*

*"(3) obtain technical assistance for the use of such facilities and instructional programming.*

**"SEC. 3203. GRANTS AUTHORIZED.**

*"(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this part, to eligible telecommunications partnerships to pay the Federal share of the cost of—*

*"(1) the development, construction, acquisition, maintenance and operation of telecommunications facilities and equipment;*

*"(2) the development and acquisition of live, interactive instructional programming;*

*"(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;*

*"(4) the establishment of teleconferencing facilities and resources for broadcasting interactive training to teachers;*

*"(5) obtaining technical assistance; and*

*"(6) the coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.*

*"(b) DURATION.—*

*"(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.*

*"(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 5-year period.*

*"(c) AUTHORIZATION OF APPROPRIATIONS.—*

*"(1) IN GENERAL.—There are authorized to be appropriated $35,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.*

*"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.*

*"(d) LIMITATIONS.—*

*"(1) AMOUNT.—A grant made to an eligible telecommunications partnership under this part shall not exceed $5,000,000 in any 1 fiscal year.*

*"(2) RESERVATIONS.—*

*"(A) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for the cost of instructional programming.*

*"(B) FACILITIES AND EQUIPMENT.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this part shall be used for telecommunications facilities and equipment.*

*"(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this part shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965.*

*"(e) FEDERAL SHARE.—*

*"(1) IN GENERAL.—The Federal share for any fiscal year shall be not more than 75 percent.*

*"(2) WAIVER.—The Secretary may reduce or waive the requirements of the non-Federal share required under paragraph (1) for good cause, as determined by the Secretary.*

*"(f) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this part with the activities of such department or agency relating to a telecommunications network for educational purposes.*

*"(g) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this part is encouraged to provide—*

*"(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and*

*"(2) descriptive video of the visual content of such program, as appropriate.*

**"SEC. 3204. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.**

*"(a) IN GENERAL.—In order to be eligible for a grant under this part, an eligible telecommunications partnership shall consist of—*

*"(1) a public agency or corporation established for the purposes of developing and operating telecommunications services to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interest of elementary and secondary schools which are eligible for assistance under part A of title I; or*

*"(2) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in subparagraph (A) or (B):*

*"(A) a local educational agency serving a significant number of elementary and secondary schools that are eligible for assistance under part A of title I or elementary and secondary schools operated for Indian children by the Department of the Interior under section 1121(c);*

*"(B) a State educational agency;*

*"(C) an institution of higher education or a State higher education agency;*

*"(D) a teacher training center or academy which—*

*"(i) provides teacher preservice and inservice training; and*

*"(ii) receives Federal financial assistance or has been approved by a State agency;*

*"(E)(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications service, including entities involved in telecommunications through satellite, cable, telephone or computers; or*

*"(ii) a public broadcasting entity with such experience; or*

*"(F) a public or private elementary or secondary school.*

*"(b) SPECIAL RULE.—An eligible telecommunications partnership shall be organized on a statewide or multistate basis.*

**"SEC. 3205. APPLICATIONS.**

*"(a) APPLICATIONS REQUIRED.—Each eligible telecommunications partnership which desires to receive a grant under section 3203 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 THE APPLICATION.—Each application submitted pursuant to subsection (a) shall—*

*"(1) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—*

*"(A) the design, development, construction, acquisition, maintenance and operation of State or multistate educational telecommunications networks and technology resource centers;*

*"(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;*

*"(C) reception facilities;*

*"(D) satellite time;*

*"(E) production facilities;*

*"(F) other telecommunications equipment capable of serving a wide geographic area;*

*"(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and*

*"(H) the development of educational programming for use on a telecommunications network;*

*"(2) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;*

*"(3) demonstrate that the eligible telecommunications partnership has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible telecommunications partnership will increase the availability of courses of instruction in mathematics, science, and foreign languages, as well as other subjects to be offered;*

*"(4) describe the training policies for teachers and other school personnel to be implemented to ensure the effective use of telecommunications facilities and equipment for which assistance is sought;*

*"(5) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;*

*"(6) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary and secondary schools will be made available to schools or local*

*educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;*

*"(7) describe the manner in which traditionally underserved students, such as students who are disadvantaged, limited-English proficient, disabled, or illiterate, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this part;*

*"(8) provide assurances that the applicant will use the funds provided under this part to supplement and not supplant funds otherwise available for the purposes of this part;*

*"(9) if any member of the consortia is receiving assistance under section 3122, describe how funds received under this part will be coordinated with funds received for educational technology in the classroom under such section;*

*"(10) describe the activities or services for which assistance is sought, including activities and services such as—*

*"(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);*

*"(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;*

*"(C) linking networks together, for example, around an issue of national importance, such as national elections;*

*"(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;*

*"(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;*

*"(F) incorporating community resources, such as libraries and museums, into instructional programs;*

*"(G) providing teacher training to early childhood development and Head Start teachers and staff;*

*"(H) providing teacher training to vocational education teachers and staff;*

*"(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed;*

*"(J) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment; and*

*"(K) providing parent education programs during and after the regular school day which reinforce the student's course of study and actively involve parents in the learning process; and*

*"(11) include such additional assurances as the Secretary may reasonably require.*

*"(c) APPROVAL OF APPLICATION; PRIORITY.—The Secretary, in approving applications under this part, shall give priority to applications which demonstrate that—*

*"(1) a concentration and quality of mathematics, science, and foreign languages resources which, by their distribution through the eligible telecommunications partnership, will offer significant new educational opportunities to network participants, particularly to traditionally underserved populations and areas with scarce resources and limited access to courses in mathematics, science, and foreign languages;*

*"(2) the eligible telecommunications partnership has secured the direct cooperation and involvement of public and private educational institutions, State and local government, and industry in planning the network;*

*"(3) the eligible telecommunications partnership will serve the broadest range of institutions, including in the case of elementary and secondary schools, those elementary and secondary schools having a significant number of students eligible to be counted under part A of title I, programs providing instruction outside of the school setting, institutions of higher education, teacher training centers, research institutes, and private industry;*

*"(4) a significant number of educational institutions have agreed to participate or will participate in the use of the telecommunications system for which assistance is sought;*

*"(5) the eligible telecommunications partnership will have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development leading to comprehensive effective instructional strategies, outcomes-based curriculum and parenting practices;*

*"(6) the eligible telecommunications partnership will—*

*"(A) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;*

*"(B) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum; and*

*"(C) provide instruction for students, teachers, and parents;*

*"(7) the eligible telecommunications partnership will serve a multistate area;*

*"(8) the eligible telecommunications partnership will give priority to the provision of equipment and linkages to isolated areas;*

*"(9) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) will participate in the partnership and will donate equipment or in kind services for telecommunications linkages; and*

*"(10) the eligible telecommunications partnership will, in providing services with assistance under this part, meet the needs of groups of individuals traditionally excluded from careers in mathematics and science because of discrimination, inaccessibility, or economically disadvantaged backgrounds.*

*"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications under this part, the Secretary shall assure an equitable geographic distribution of grants under this part.*

***"SEC. 3206. LEADERSHIP AND EVALUATION ACTIVITIES.***

*"(a) RESERVATION.—From the amount appropriated pursuant to the authority of section 3203(c)(1) in each fiscal year, the Secretary may reserve not more than 5 percent of such amount for national leadership, evaluation, and peer review activities.*

*"(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.*

*"(c) USES OF FUNDS.—*

*"(1) LEADERSHIP.—Funds reserved for leadership activities under subsection (a) may be used for—*

*"(A) disseminating information, including lists and descriptions of services available from recipients; and*

*"(B) other activities designed to enhance the quality of distance learning activities nationwide.*

*"(2) EVALUATION.—Funds reserved for evaluation activities under subsection (a) may be used to conduct independent evaluations of the activities assisted under this part and of distance learning in general, including—*

*"(A) analyses of distance learning efforts, including such efforts that are assisted under this part and such efforts that are not assisted under this part; and*

*"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.*

*"(3) PEER REVIEW.—Funds reserved for peer review activities under subsection (a) may be used for peer review of—*

*"(A) applications for grants under this part; and*

*"(B) activities assisted under this part.*

***"SEC. 3207. ADMINISTRATIVE PROVISIONS.***

*"(a) CONTINUING ELIGIBILITY.—*

*"(1) IN GENERAL.—In order to be eligible to receive a grant under this part for a second 5-year grant period an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 3205 that such partnership will—*

*"(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this part for the previous 5-year grant period; and*

*"(B) use all grant funds received under this part for the second 5-year grant period to provide expanded services by—*

*"(i) increasing the number of students, schools or school districts served by the courses of instruction assisted under this part in the previous fiscal year;*

*"(ii) providing new courses of instruction; and*

*"(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, or lack secondary school diplomas or their recognized equivalent.*

*"(2) SPECIAL RULES.—Grant funds received pursuant to the application of paragraph (1) shall be used to supplement and not supplant services provided by the recipient under this part in the previous fiscal year.*

*"(b) FEDERAL ACTIVITIES.—The Secretary may assist grant recipients under this part in acquiring satellite time, where appropriate, as economically as possible.*

***"SEC. 3208. OTHER ASSISTANCE.***

*"(a) SPECIAL STATEWIDE NETWORK.—*

*"(1) IN GENERAL.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide telecommunications network under this subsection if such network—*

*"(A) provides 2-way full motion interactive video and audio communications;*

*"(B) links together public colleges and universities and secondary schools throughout the State; and*

*"(C) meets any other requirements determined appropriate by the Secretary.*

*"(2) STATE CONTRIBUTION.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.*

*"(b) SPECIAL LOCAL NETWORK.—*

*"(1) IN GENERAL.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.*

*"(2) PROGRAM REQUIREMENTS.—A high technology demonstration program assisted under paragraph (1) shall—*

*"(A) include 2-way full motion interactive video, audio and text communications;*

*"(B) link together elementary and secondary schools, colleges, and universities;*

*"(C) provide parent participation and family programs;*

*"(D) include a staff development program; and*

*"(E) have a significant contribution and participation from business and industry.*

*"(3) SPECIAL RULE.—Each high technology demonstration program assisted under paragraph (1) shall be of sufficient size and scope to have an effect on meeting the National Education Goals.*

"(4) MATCHING REQUIREMENT.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

**"SEC. 3209. DEFINITIONS.**

"As used in this part—

"(1) the term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency;

"(2) the term 'instructional programming' means courses of instruction, training courses, and resources used in such instruction and training, which have been prepared in audio and visual form on tape, disc, film, live, and presented by means of telecommunications devices;

"(3) the term 'public broadcasting entity' has the same meaning given that term by section 397 of the Communications Act of 1934; and

"(4) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands.

**"PART C—READY-TO-LEARN TELEVISION**

**"SEC. 3301. READY-TO-LEARN.**

"(a) IN GENERAL.—The Secretary is authorized to enter into contracts, cooperative agreements, or grants with entities described in section 3302(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

"(b) AVAILABILITY.—In making such contracts, cooperative agreements, or grants, the Secretary shall ensure that recipients make programming widely available with support materials as appropriate to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

**"SEC. 3302. EDUCATIONAL PROGRAMMING.**

"(a) AWARDS.—The Secretary shall award contracts, cooperative agreements, or grants to eligible entities to—

"(1) facilitate the development directly or through contracts with producers of children and family educational television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(2) contract with entities (such as public broadcasting entities and those funded under the Star Schools Act) in order that programs developed under this section are disseminated and distributed to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a contract, cooperative agreement, or grant under subsection (a), an entity shall be—

"(1) a nonprofit entity (including a public telecommunications entity) able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

"(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

"(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

**"SEC. 3303. DUTIES OF SECRETARY.**

"The Secretary is authorized—

"(1) to establish and administer a Special Projects of National Significance program to award contracts, cooperative agreements, or grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited-English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

"(2) to establish within the Department a clearinghouse to compile and provide information, referrals and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

"(3) to develop and disseminate training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2); among parents, Head Start providers, in-home and center based day care providers, early childhood development personnel, and elementary school teachers, public libraries, and after school program personnel caring for preschool and elementary school children;

"(4) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including Head Start, Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

**"SEC. 3304. APPLICATIONS.**

"Each eligible entity desiring a contract, cooperative agreement, or grant under section 3301 or 3303 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

**"SEC. 3305. REPORTS AND EVALUATION.**

"(a) ANNUAL REPORT TO SECRETARY.—An entity receiving funds under section 3301 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under this section, including—

"(1) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

"(1) a summary of the information made available under section 3302(a); and

"(2) a description of the training materials made available under section 3303(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

**"SEC. 3306. ADMINISTRATIVE COSTS.**

"With respect to the implementation of section 3302, entities receiving a contract, cooperative agreement, or grant from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the contract, cooperative agreement, or grant.

**"SEC. 3307. DEFINITION.**

"For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

**"SEC. 3308. AUTHORIZATION OF APPROPRIATIONS.**

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $30,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years. Not less than 60 percent of the amounts appropriated under this subsection for each fiscal year shall be used to carry out section 3302.

"(b) SPECIAL PROJECTS.—Of the amount appropriated under subsection (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under section 3303(1)(C).

**"PART D—ELEMENTARY MATHEMATICS AND SCIENCE EQUIPMENT PROGRAM**

**"SEC. 3401. SHORT TITLE.**

"This part may be cited as the 'Elementary Mathematics and Science Equipment Act'.

**"SEC. 3402. STATEMENT OF PURPOSE.**

"It is the purpose of this part 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. 3403. PROGRAM AUTHORIZED.**

"The Secretary is authorized to make allotments to State educational agencies under section 3404 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. 3404. ALLOTMENTS OF FUNDS.**

"(a) IN GENERAL.—From the amount appropriated under section 3410 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 Palau according to their respective needs for assistance under this part; 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 part.

"(b) ALLOTMENT.—

"(1) IN GENERAL.—The remainder of the amount so appropriated (after meeting requirements in subsection (a)) shall be allotted among State educational agencies so that—

"(A) 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

"(B) one-half of such remainder shall be distributed according to each State's share of allocations under part A of title I.

"(2) MINIMUM.—Except as provided in paragraph (3), no State educational agency shall receive an allotment under this subsection for any fiscal year in an amount that is—

"(A) less than one-half of 1 percent of the amount made available under this subsection for such fiscal year; or

"(B) less than the amount allotted to such State for fiscal year 1988 under title II of the Education for Economic Security Act.

"(3) RATABLE REDUCTIONS.—(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all State educational agencies are eligible to receive under paragraph (2)(B) for such year, the Secretary shall ratably reduce the allotment to such agencies for such year.

"(B) If additional funds become available for making payments under paragraph (2)(B) for such fiscal year, allotments that were reduced under subparagraph (A) shall be increased on the same basis as such allotments were reduced.

"(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 part which the Secretary determines will not be required for that fiscal year to carry out this part 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 part of the State educational agency's allotment under subsection (b) for that year.

"(d) DEFINITION.—For the purposes of this part 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 17, 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. 3405. STATE APPLICATION.**

"(a) APPLICATION.—Each State educational agency desiring to receive an allotment under this part 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 part 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 part;

"(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 part once over the 5-year duration of the program assisted under this part;

"(D) funds provided under this part will supplement, not supplant, State and local funds made available for activities authorized under this part;

"(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 part;

"(2) provide, if appropriate, a description of how funds paid under this part 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 section 3406 for distribution of assistance under this part 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 part shall be used for the administrative costs of such agency associated with carrying out the program assisted under this part.

**"SEC. 3406. LOCAL APPLICATION.**

"(a) APPLICATION.—A local educational agency that desires to receive a grant under this part 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 part 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 part to meet the purpose of this part;

"(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 part, except that no such application shall be penalized or denied assistance under this part based on failure to provide such matching funds;

"(3) describe, if applicable, how funds under this part 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 part, 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. 3407. PROGRAM REQUIREMENTS.**

"(a) COORDINATION.—Each State educational agency receiving an allotment under this part shall—

"(1) disseminate information to school districts and schools, including private nonprofit elementary schools, regarding the program assisted under this part;

"(2) evaluate applications of local educational agencies;

"(3) award grants to local educational agencies based on the priorities described in section 3406(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 part 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 part 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 part is intended to support, such as the installation of electrical outlets, plumbing, lab tables or counters, or ventilation mechanisms.

**"SEC. 3408. 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 part, shall develop procedures for State and local evaluations of the programs assisted under this part.

"(b) REPORT.—The Secretary shall report to the Congress each year on the program assisted under this part in accordance with section 10701.

**"SEC. 3409. 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 4 succeeding fiscal years, to carry out this part.

**"PART E—ELEMENTARY AND SECONDARY SCHOOL LIBRARY MEDIA RESOURCES PROGRAM**

**"SEC. 3501. PROGRAM AUTHORIZED.**

"The Secretary shall award grants or make allocations for the acquisition of school library media resources for the use of students, library media specialists, and teachers in elementary and secondary schools in accordance with this part.

**"SEC. 3502. FUNDING REQUIREMENTS.**

"(a) IN GENERAL.—From the amount appropriated to carry out part A in each fiscal year, the Secretary shall make available at least 10 percent but not more than 20 percent of such amount to make awards in accordance with subsection (b) to States having a plan approved under section 3503.

"(b) SPECIAL RULE.—

"(1) AMOUNTS BELOW $50,000,000.—If the amount made available under subsection (a) for a fiscal year is less than $50,000,000, then the Secretary shall award grants to States, on a competitive basis, taking into account such factors as age and condition of existing school library media collections and the relative economic need of the students to be served.

"(2) AMOUNTS EQUAL TO OR EXCEEDING $50,000,000.—If the amount made available under subsection (a) for a fiscal year equals or exceeds $50,000,000, then the Secretary shall allocate to each State an amount which bears the same relationship to such amount as the amount such State received under title II for such year bears to the amount all States received under such title for such year.

**"SEC. 3503. STATE PLANS.**

"In order for a State to receive a grant or an allocation of funds under this part for any fiscal year, such State shall have in effect for such fiscal year a State plan. Such plan shall—

"(1) designate the State educational agency as the State agency responsible for the administration of the program assisted under this part;

"(2) set forth a program under which funds paid to the State in accordance with section 3502 will be expended solely for—

"(A) acquisition of school library media resources, including books and foreign language resources, for the use of students, school library media specialists, and teachers in elementary and secondary schools in the United States; and

"(B) administration of the State plan, including development and revision of standards, relating to school library media resources, except that the amount used for administration of the State plan in any fiscal year shall not exceed 3 percent of the amount available to such State under section 3502 for such fiscal year; and

"(3) set forth criteria to be used in allotting funds for school library media resources among the local educational agencies of the State, which allotment shall take into consideration the relative need of the students, school media specialists, and teachers to be served.

**"SEC. 3504. DISTRIBUTION OF ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.**

"From the funds made available under section 3502 to a State in each fiscal year, such State shall distribute not less than 97 percent of such funds for such year to local educational agencies within such State on the same basis as allocations are made available to States under section 2122.

**"PART F—BUDDY SYSTEM COMPUTER EDUCATION**

**"SEC. 3601. SHORT TITLE.**

"This part may be cited as the 'Buddy System Computer Education Act'.

**"SEC. 3602. PURPOSE.**

"It is the purpose of this part to award demonstration grants to develop and expand public-private partnership programs which extend the learning experience, via computers, beyond the classroom environment in order to—

"(1) enhance learning by providing students with the technological tools and guidance necessary to develop skills critical to educational growth and success in the workplace, including—

"(A) mastery of fundamental computer technology and applications;

"(B) improved written and visual communication skills;

"(C) improved critical thinking and problem solving abilities; and

"(D) improved ability to work in a collaborative, teamwork-driven environment;

"(2) encourage parental involvement in education and total family use and understanding of computers and telecommunications through at-home applications; and

"(3) establish foundations for lifelong learning through improvement in education skills and student motivation and attitudes.

**"SEC. 3603. GRANT AUTHORIZATION.**

"(a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall conduct a program of awarding a grant to each of 3 States to enable such States to create a computer-based education project for children in grades 4 through 6 in accordance with the requirements of section 3604.

"(2) AWARD BASIS.—The Secretary shall award grants under this part on a competitive basis.

"(3) PREFERENCE.—In awarding grants under this part, the Secretary shall give preference to applications—

"(A) from States that have a demonstrated ability or commitment to computer-based technology education; and

"(B) describing projects that serve school districts which serve a large number or percentage of economically disadvantaged students.

"(b) SITE SELECTION AND PROJECT IMPLEMENTATION.—Site selection and implementation of the computer-based education projects assisted under this part shall take place not later than 9 months after funds are appropriated to carry out this part pursuant to the authority of section 3608.

**"SEC. 3604. PROGRAM REQUIREMENTS.**

"Each State receiving a grant to conduct a computer-based education project under this part shall—

"(1) provide a continuous 3-year computer-based education project to 2 consecutive groups of 4th, 5th, and 6th grade elementary school students during the period commencing with each such group's entry into 4th grade and ending the summer following each such group's completion of 6th grade;

"(2) ensure that each student in each of the classes participating in the project shall participate in the project;

"(3) conduct such project in not more than 7 public elementary schools within the State; and

"(4) ensure that each student participating in the project shall have access to a computer—

"(A) at school during the school year; and

"(B) at home during the school year and summer.

**"SEC. 3605. APPLICATIONS.**

"(a) APPLICATION REQUIRED.—In order to receive a grant under this part, the State educational agency shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require. Such application shall include an assurance from the State educational agency that the State educational agency has made every effort to match on a dollar-for-dollar basis from private or public sources the funds received under this part, except that no such application shall be penalized or denied assistance under this part on the basis of the failure to provide such matching funds.

"(b) APPLICATION PERIOD.—States shall be eligible to submit applications for assistance under this part during a 3-month period determined by the Secretary.

**"SEC. 3606. USE OF FUNDS.**

"Grant funds under this part shall be used to provide hardware and software components to all sites, and training for classroom teachers as well as parents, administrators and technical personnel.

**"SEC. 3607. EVALUATION.**

"The Secretary shall evaluate the demonstration program assisted under this part and shall report to the Congress regarding the overall effectiveness of such program.

**"SEC. 3608. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

**"TITLE IV—MAGNET SCHOOLS ASSISTANCE**

**"SEC. 4101. FINDINGS.**

"The Congress finds that—

"(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools;

"(2) the use of magnet schools has increased dramatically since the date of enactment of the Magnet Schools Assistance program, with approximately 1,400,000 students nationwide now attending such schools, of which more than 60 percent of the students are nonwhite;

"(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

"(4) in administering the Magnet Schools Assistance program, the Federal Government has learned that—

"(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of—

"(i) magnet students from other students in the school; and

"(ii) students by racial characteristics;

"(B) school districts can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such districts have more flexibility in the administration of such program in order to serve students attending a school who are not enrolled in the magnet school program;

"(C) school districts must be creative in designing magnet schools for students at all academic levels, so that school districts do not skim off only the highest achieving students to attend the magnet schools;

"(D) consistent with desegregation guidelines, school districts must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate; and

"(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance;

"(5) it is in the best interest of the Federal Government to—

"(A) continue the Federal Government's support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

"(B) ensure that all students have equitable access to quality education that will prepare such students to function well in a culturally diverse, technologically oriented, and highly competitive, global community; and

"(C) maximize the ability of school districts to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform.

**"SEC. 4102. STATEMENT OF PURPOSE.**

"The purpose of this title is to assist in the desegregation of school districts by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State content standards and challenging State student performance standards;

"(3) the development and design of innovative educational methods and practices; and

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

**"SEC. 4103. PROGRAM AUTHORIZED.**

"The Secretary, in accordance with this title, is authorized to make grants to local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this title for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

**"SEC. 4104. DEFINITION.**

"For the purpose of this title, the term 'magnet school' means a public school or public education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

**"SEC. 4105. ELIGIBILITY.**

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this title to carry out the purposes of this title if such agency or consortium—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

**"SEC. 4106. APPLICATIONS AND REQUIREMENTS.**

"(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this title shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

"(b) INFORMATION AND ASSURANCES.—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this title will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project seeks to increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this title may no longer be available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this title cannot be continued without the use of funds under this part;

"(D) how funds under this title will be used to implement services and activities that are consistent with—

"(i) the State plan described in section 1111; and

"(ii) the local educational agency's plan described in section 1112; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

"(2) assurances that the applicant will—

"(A) use funds under this title for the purposes specified in section 4102;

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this title to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for places in those projects.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

**"SEC. 4107. PRIORITY.**

"In approving applications under this title, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects, which include revisions to enable a magnet school to implement effective educational approaches that are consistent with the State's and the local educational agency's State or local improvement plans, if any;

"(3) propose to select students to attend magnet school projects on the basis of multiple criteria which may include a lottery, rather than solely academic examination; and

"(4) propose to draw on comprehensive community involvement plans.

**"SEC. 4108. USE OF FUNDS.**

"(a) IN GENERAL.—Grant funds made available under this title may be used by an eligible local educational agency or consortium of such agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment of, or subsidization of the compensation of, elementary and secondary school teachers who are certified or licensed by the State, and instructional staff, where applicable, and who are necessary for the conduct of programs in magnet schools; and

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this title.

"(b) SPECIAL RULE.—Grant funds under this title may be used in accordance with paragraphs (2) and (3) of subsection (a), only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational skills.

**"SEC. 4109. PROHIBITIONS.**

"Grants under this title may not be used for transportation, or for any activity that does not augment academic improvement.

**"SEC. 4110. LIMITATION ON PAYMENTS.**

"(a) DURATION OF AWARDS.—A grant under this title shall be awarded for a period that shall not exceed four fiscal years.

"(b) LIMITATION ON PLANNING FUNDS.—

"(1) IN GENERAL.—A local educational agency may expend for planning not more than 50 percent of the funds received under this title for the first year of the project, 25 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

"(2) SPECIAL RULE.—A local educational agency shall not expend funds under this title for planning after the third year of a project assisted under this title.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of any project assisted under this title shall not exceed 100 percent for the first and second years of the project, 90 percent for the third such year, and 70 percent for the fourth or any subsequent such year including any year for which a grant is renewed pursuant to a new grant competition under this title.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any project assisted under this title may be in cash or in kind, including planned equipment or services, fairly valued, and may include other Federal education funds.

"(d) LIMITATION ON GRANTS.—No local educational agency or consortium receiving a grant under this section shall receive more than $4,000,000 under this part in any one fiscal year.

"(e) AWARD REQUIREMENT.—To the extent practicable, for any fiscal year, the Secretary shall award grants to local educational agencies or consortia under this title not later than June 30 of the applicable fiscal year.

**"SEC. 4111. INNOVATIVE PROGRAMS.**

"(a) IN GENERAL.—From amounts reserved under section 4112(d) for each fiscal year, the Secretary shall award grants to local educational agencies described in section 4105 to enable such agencies to conduct innovative programs that—

"(1) carry out the purpose of this part; and

"(2) involve strategies other than magnet schools, such as neighborhood or community model schools—

"(A) organized around a special emphasis, theme or concept; and

"(B) involving extensive parent and community involvement.

"(b) APPLICABILITY.—Sections 4103, 4106, 4107, and 4108, shall not apply to grants awarded under subsection (a).

"(c) APPLICATIONS.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

**"SEC. 4112. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.**

"(a) AUTHORIZATION.—For the purpose of carrying out this title, there are authorized to be appropriated $120,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia that did not receive a grant under this part in the preceding fiscal year.

"(c) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary may reserve not more than two percent of the funds appropriated under subsection (a) for any fiscal year to carry out evaluations of projects assisted under this part.

"(2) CONTENTS.—Each evaluation described in paragraph (1), at a minimum, shall address—

"(A) how and the extent to which magnet school programs lead to educational quality and improvement;

"(B) the extent to which magnet school programs enhance student access to quality education;

"(C) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

"(D) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

"(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under subsection (a) for each fiscal year to award grants under section 4111.

## "TITLE V—BETTER SCHOOLS FOR AMERICA

## "PART A—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

**"SEC. 5101. FINDINGS.**

"The Congress finds as follows:

"(1) The seventh National Education Goal provides that by the year 2000, all schools in America will be free of drugs and violence and the unauthorized presence of firearms and alcohol, and offer a disciplined environment that is conducive to learning.

"(2) The widespread use of alcohol and other drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to the physical and mental well-being of such students, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Our Nation's schools and communities are increasingly plagued by violence and crime. Approximately 3,000,000 thefts and violent crimes occur in or near our Nation's schools every year, the equivalent of more than 16,000 incidents per school day.

"(4) Violence that is linked to prejudice and intolerance victimizes entire communities leading to more violence and discrimination.

"(5) Violence and drug abuse have numerous personal and societal roots, and character education is an important component of any comprehensive strategy to address the serious problems of violence and drug abuse.

"(6) The tragic consequences of violence and the illegal use of alcohol and other drugs by students are felt not only by students and their families, but by such students' communities and the Nation, which can ill afford to lose such students' skills, talents, and vitality.

"(7) Alcohol and tobacco are the most widely used drugs among young people. Both of these drugs can, and do, have adverse consequences for users, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address all drugs.

"(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. However, because the nicotine in tobacco is addictive, many tobacco users find it difficult to stop using tobacco once such users have started. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

"(9) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety and to reduce the demand for and use of drugs throughout the Nation. Schools and local organizations in communities throughout the Nation have a special responsibility to work together to combat the growing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(10) Students must take greater responsibility for their own well-being, health, and safety if schools and communities are to achieve the goals of providing a safe, disciplined, and drug-free learning environment.

**"SEC. 5102. PURPOSE.**

"The purpose of this title is to support programs to meet the seventh National Educational Goal by preventing violence in and around schools and by strengthening programs that prevent the illegal use of alcohol, tobacco, and other drugs, involve parents, and are coordinated with related Federal, State, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local and intermediate educational agencies and consortia to establish, operate, and improve local programs of school drug and violence prevention, early intervention, rehabilitation referral, and education in elementary and secondary schools (including intermediate and junior high schools);

"(2) States for grants to, and contracts with, community-based organizations and other public and private nonprofit agencies and organizations for programs of drug and violence prevention, early intervention, rehabilitation referral, and education for school dropouts and other high-risk youth;

"(3) States for development, training, technical assistance, and coordination activities;

"(4) institutions of higher education to establish, operate, expand, and improve programs of school drug and violence prevention, education, and rehabilitation referral for students enrolled in colleges and universities; and

"(5) public and private nonprofit organizations to conduct training, demonstrations, research, and evaluation, and to provide supplementary services for the prevention of drug use and violence among students and youth.

**"SEC. 5103. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $660,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than 10 percent shall be available in each fiscal year to carry out subpart 2.

### "Subpart 1—State Grants for Drug and Violence Prevention Programs

**"SEC. 5111. RESERVATIONS AND ALLOTMENTS.**

"(a) RESERVATIONS.—From the amount made available to carry out this subpart for each fiscal year under section 5103, the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau, to be allotted in accordance with the Secretary's determination of their respective needs;

"(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

"(3) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 5119; and

"(4) may reserve not more than $1,000,000 for the national impact evaluation required by section 5118(a).

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1122 for the preceding year (or, for fiscal year 1995 only, sections 1005 and 1006 of this Act as such sections were in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) and the sum of such amounts received by all the States.

"(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within two years of such allotment. Such reallotments may be made by the Secretary in the same manner as allotments are made under paragraph (1).

"(4) DEFINITION.—For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**"SEC. 5112. STATE APPLICATIONS.**

"(a) IN GENERAL.—In order to receive an allotment under section 5111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the prevalence of drug use and violence by youth in schools and communities;

"(2) contains assurances that the application was developed in consultation and coordination with appropriate State officials and others, including the chief State school officer, the head

*of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations; and*

*"(3) contains a description of the procedures the State educational agency will use to review applications from local educational agencies under section 5115.*

*"(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5113(a) by the State educational agency that includes—*

*"(1) a statement of the State educational agency's measurable goals and objectives for drug and violence prevention and a description of the procedures such agency will use for assessing and publicly reporting progress toward meeting those goals and objectives;*

*"(2) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 5116;*

*"(3) a description of how the State educational agency will use funds such agency reserves under section 5113(b);*

*"(4) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and*

*"(5) an explanation of the criteria the State educational agency will use to identify which local educational agencies receive supplemental funds under section 5113(d)(2)(A)(ii) and how the supplemental funds will be allocated among those local educational agencies.*

*"(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 5114(a) by the chief executive officer that includes—*

*"(1) a statement of the chief executive officer's measurable goals and objectives for drug and violence prevention and a description of the procedures to be used for assessing and publicly reporting progress toward meeting those goals and objectives;*

*"(2) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;*

*"(3) a description of how funds reserved under section 5114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts and youth in detention centers;*

*"(4) a description of how the chief executive officer will award funds under section 5114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds; and*

*"(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning.*

*"(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.*

*"(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 1995 a one-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 1995 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.*

***"SEC. 5113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.***

*"(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.*

*"(b) STATE LEVEL PROGRAMS.—*

*"(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—*

*"(A) training and technical assistance concerning drug and violence prevention for local and intermediate educational agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, local law enforcement officials, and judicial officials;*

*"(B) the development, identification, dissemination and evaluation of the most readily available, accurate, and up-to-date curriculum materials, for consideration by local educational agencies;*

*"(C) making available to local educational agencies cost effective programs for youth violence and drug abuse prevention;*

*"(D) demonstration projects in drug and violence prevention;*

*"(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;*

*"(F) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart; and*

*"(G) evaluation activities required by this subpart.*

*"(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.*

*"(c) STATE ADMINISTRATION.—A State educational agency may use not more than 5 percent of the amount made available under subsection (a) for the administrative costs of carrying out such agency's responsibilities under this subpart.*

*"(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—*

*"(1) IN GENERAL.—A State educational agency shall distribute not less than 90 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.*

*"(2) DISTRIBUTION.—(A) Of the amount distributed under subsection (d)(1), a State educational agency shall distribute—*

*"(i) 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies: and*

*"(ii) 30 percent of such amount to local educational agencies that the State educational agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.*

*"(B)(i) A State educational agency shall distribute funds under subparagraph (A)(ii) to not more than 10 percent of the local educational agencies in the State, or five such agencies, whichever is greater.*

*"(ii) In determining which local educational agencies have the greatest need for additional funds, the State educational agency shall consider factors such as—*

*"(I) high rates of alcohol or other drug use among youth;*

*"(II) high rates of victimization of youth by violence and crime;*

*"(III) high rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;*

*"(IV) the extent of illegal gang activity;*

*"(V) high incidence of violence associated with prejudice and intolerance;*

*"(VI) high rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;*

*"(VII) high rates of referrals of youths to juvenile court;*

*"(VIII) high rates of expulsions and suspensions of students from schools; and*

*"(IX) high rates of reported cases of child abuse and domestic violence.*

*"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 5115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of the local educational agencies determined by the State educational agency under subsection (d)(2)(B) to have the greatest need for additional funds.*

***"SEC. 5114. GOVERNOR'S PROGRAMS.***

*"(a) USE OF FUNDS.—*

*"(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 5111 for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.*

*"(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the amount reserved under subsection (a)(1) for the administrative costs incurred in carrying out the duties of such officer under this section.*

*"(b) PROGRAMS AUTHORIZED.—*

*"(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) for grants to or contracts with parent groups, community action and job training agencies, community-based organizations, and other public entities and private nonprofit organizations and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (c) for—*

*"(A) children and youth who are not normally served by State or local educational agencies; or*

*"(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).*

*"(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.*

*"(c) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (b) shall be used for programs and activities such as—*

*"(1) disseminating information about drug and violence prevention;*

*"(2) training parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, comprehensive health education, early intervention, pupil services, or rehabilitation referral;*

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, community service, mentoring, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

"(7) professional development workshops for teachers and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

"(9) developing and implementing strategies to prevent illegal gang activity;

"(10) coordinating and conducting community-wide violence and safety assessments and surveys;

"(11) age appropriate programs to prevent child abuse;

"(12) activities such as community service and service-learning projects; and

"(13) evaluating programs and activities assisted under this section.

**"SEC. 5115. LOCAL APPLICATIONS.**

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a distribution under section 5113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2) DEVELOPMENT.—(A) A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under paragraph (2)(A) shall, on an ongoing basis—

"(i) disseminate information about drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency on how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities and the agencies that administer such programs, projects, and activities; and

"(iii) review program evaluations and other relevant material and make recommendations to the local educational agency on how to improve such agency's drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) a description of the current alcohol, tobacco, and other drug problems as well as the violence, safety, prejudice, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program);

"(2) a detailed explanation of the local educational agency's comprehensive plan for drug and violence prevention, which shall include a description of—

"(A) how that plan is consistent with, and promotes the goals in, the State's application under section 5112;

"(B) the local educational agency's measurable goals for drug and violence prevention, and a description of how such agency will assess and publicly report progress toward attaining these goals;

"(C) how the local educational agency will use its distribution under this subpart;

"(D) how the local educational agency will coordinate such agency's programs and projects with community-wide efforts to achieve such agency's goals for drug and violence prevention; and

"(E) how the local educational agency will coordinate such agency's programs and projects with other Federal, State, and local programs for drug-abuse prevention, including health programs; and

"(3) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—

"(1) IN GENERAL.—A State educational agency shall use a peer review process in reviewing local applications under this section.

"(2) CONSIDERATIONS.—(A) In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(2) and the extent to which such plan is consistent with, and supports, the State's application under section 5112 and the State's plan under section 1111.

"(B) A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds distributed to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part or the State's plan under section 1111.

**"SEC. 5116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.**

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning; and

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart.

"(b) AUTHORIZED ACTIVITIES.—A comprehensive drug and violence prevention program carried out under this subpart may include—

"(1) age-appropriate, developmentally based drug prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug prevention, comprehensive health education, early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug prevention;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and other drug use, such as—

"(i) family counseling;

"(ii) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and

"(iii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation, and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse;

"(D) the development and implementation of character education programs that are tailored by communities, parents and schools, and based on the tenets of democracy, self discipline, and personal and civic responsibility, and guided by the principles of community and national laws, in order to reduce the problems of violence and drug abuse; and

"(E) comprehensive, community-wide strategies to prevent or reduce illegal gang activities;

"(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

"(6) acquiring and installing metal detectors and hiring security personnel;

"(7) reimbursing law enforcement authorities for their personnel who participate in school violence prevention activities;

"(8) professional development workshops for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(9) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(10) drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provision for parental involvement; and

"(11) the evaluation of any of the activities authorized under this subsection.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Not more than 10 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5), (6), and (7) of subsection (b).

"(2) SPECIAL RULE.—A local educational agency shall only be able to use funds received under this subpart for activities described in paragraphs (5), (6), and (7), of subsection (b) if funding for such activities is not received from other Federal agencies.

**"SEC. 5117. EVALUATION AND REPORTING.**

"(a) NATIONAL IMPACT EVALUATION.—The Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall conduct an independent biennial evaluation of the national impact of programs assisted under this subpart and submit a report of the findings of such evaluation to the President and the Congress.

"(b) STATE REPORT.—

"(1) IN GENERAL.—By October 1, 1997, and every third year thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 5114 and section 5113(b) and local programs under section 5113(d), as well as an assessment of their effectiveness; and

"(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 5112.

"(2) SPECIAL RULE.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's on-going evaluation activities, and shall include data on the prevalence of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency whatever information, and at whatever intervals, the State requires to complete the State report required by subsection (b), including information on the prevalence of drug use and violence by youth in the schools and the community. Such information shall be made readily available to the public.

**"SEC. 5118. PROGRAMS FOR HAWAIIAN NATIVES.**

"(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 5111(a)(3) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Hawaiian natives which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Hawaiian natives.

"(b) DEFINITION OF 'HAWAIIAN NATIVE'.—For the purposes of this section, the term 'Hawaiian native' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

**"Subpart 2—National Programs**

**"SEC. 5121. FEDERAL ACTIVITIES.**

"(a) PROGRAM AUTHORIZED.—From funds made available to carry out this subpart under section 5103, the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels, prekindergarten through postsecondary. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private nonprofit organizations and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for training school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

"(3) drug and violence prevention research that is coordinated with other Federal agencies and is directed toward improving programs and activities under this part;

"(4) program evaluations in accordance with section 10701 that address issues not addressed under section 5117(a);

"(5) direct services to schools and school systems afflicted with especially severe drug and violence problems;

"(6) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(7) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes;

"(8) developing and disseminating drug and violence prevention materials, including model curricula; and

"(9) other activities that meet unmet national needs related to the purposes of this part.

"(b) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

**"SEC. 5122. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.**

"(a) IN GENERAL.—From funds made available to carry out this subpart under section 5103, the Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, or consortia of such institutions, for drug and violence prevention programs under this section. Awards under this section shall support the development, implementation, validation, and dissemination of model programs and strategies to promote the safety of students attending institutions of higher education by preventing violent behavior and the illegal use of alcohol and other drugs by such students.

"(b) APPLICATIONS.—An institution of higher education, or consortium of such institutions, that desires to receive an award under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The Secretary shall use a peer review process for reviewing applications for funds under this section.

"(c) EQUITABLE PARTICIPATION.—The Secretary shall make every reasonable effort to ensure the equitable participation in the activities assisted under this section of private and public institutions of higher education (including community and junior colleges), institutions of limited enrollment, and institutions in different geographic regions.

**"Subpart 3—General Provisions**

**"SEC. 5131. DEFINITIONS.**

"For the purposes of this part, the following terms have the following meanings:

"(1) The term 'drug and violence prevention' means—

"(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol, the use of tobacco and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids; and

"(B) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

"(2) The term 'hate crime' means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

"(3) The term 'nonprofit', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(4) The term 'school-aged population' means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

"(5) The term 'school personnel' includes teachers, administrators, guidance counselors, social workers, psychologists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

**"SEC. 5132. MATERIALS.**

"(a) 'WRONG AND HARMFUL' MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is wrong and harmful.

"(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

**"SEC. 5133. PROHIBITED USES OF FUNDS.**

"No funds under this part may be used for—

"(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

"(2) medical services, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or other drugs.

**"PART B—ASSISTANCE TO ADDRESS SCHOOL DROPOUT PROBLEMS**

**"SEC. 5201. SHORT TITLE.**

"This part may be cited as the 'School Dropout Assistance Act'.

**"SEC. 5202. PURPOSE.**

"The purpose of this part is to reduce the number of children who do not complete their elementary and secondary education by providing grants to local educational agencies to establish—

"(1) effective programs to identify potential student dropouts, including pregnant and parenting teenagers, and prevent such students from dropping out of school;

"(2) effective programs to identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education;

"(3) effective early intervention programs designed to identify at-risk students in elementary and secondary schools; and

"(4) model systems for collecting and reporting information to local school officials on the number, ages, sex, race or ethnicity, and grade levels of the children not completing their elementary and secondary education and the reasons why such children have dropped out of school.

**"SEC. 5203. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

"(a) ALLOTMENT TO CATEGORIES OF LOCAL EDUCATIONAL AGENCIES.—From the amount appropriated under section 5208 for any fiscal year, the Secretary shall first reserve not more than $2,000,000 for the purposes of evaluating programs carried out with assistance under this part in accordance with section 10701. From the remaining amount, the Secretary shall allot the following percentages to each of the following categories of local educational agencies:

"(1) Local educational agencies administering schools with a total enrollment of 100,000 or more elementary and secondary school students shall be allotted 25 percent of such remaining amount.

"(2) Local educational agencies administering schools with a total enrollment of at least 20,000 but less than 100,000 elementary and secondary school students shall be allotted 40 percent of such remaining amount.

"(3) Local educational agencies administering schools with a total enrollment of less than 20,000 elementary and secondary school students shall be allotted 30 percent of such remaining amount. Grants may be made under this paragraph to educational service agencies and consortia of not more than 5 local educational agencies in any case in which the total enrollment of the largest such local educational agency is less than 20,000 elementary and secondary students. Such agencies and consortia may also apply in conjunction with the State educational agency. Not less than 20 percent of funds available under this paragraph shall be awarded to local educational agencies administering schools with a total enrollment of less than 2,000 elementary and secondary school students.

"(4) Community-based organizations shall be allotted 5 percent of such remaining amount. Grants under this category shall be made after consultation between the community-based organization and the local educational agency that is to benefit from such a grant.

"(b) SPECIAL CONSIDERATION.—

"(1) IN GENERAL.—The Secretary shall give special consideration to awarding funds available for each category described in paragraphs (1), (2), and (3) of subsection (a) to local educational agencies participating in an educational partnership.

"(2) EDUCATIONAL PARTNERSHIPS.—Educational partnerships under this subsection shall include—

"(A) a local educational agency; and

"(B) a business concern or business organization, community-based organization, nonprofit private organization, institution of higher education, State educational agency, State or local public agency, private industry council (established under the Job Training Partnership Act), museum, library, or educational television or broadcasting station.

"(c) AWARD OF GRANT.—From the amount allotted for any fiscal year to a category of local educational agencies under subsection (a), the Secretary shall award as many grants as practicable within each such category to local educational agencies and educational partnerships whose applications have been approved by the Secretary for such fiscal year under section 5204 and whose applications propose a program of sufficient size, scope, and quality to be effective. Any local educational agency, educational partnership, or community-based organization that has received a grant under this part shall be eligible for additional funds subject to the requirements under this part. The grants shall be made under such terms and conditions as the Secretary shall prescribe consistent with the provisions of this part.

"(d) USE OF FUNDS WHEN NOT FULLY ALLOTTED TO CATEGORIES UNDER SUBSECTION (a).—

"(1) IN GENERAL.—Whenever the Secretary determines that the full amount of the sums allotted under any category set forth under subsection (a) will not be required for applications of the local educational agencies in the case of categories described in paragraphs (1) through (3) of subsection (a), the Secretary shall make the amount not so required available to another category under subsection (a). In carrying out the provisions of this subsection, the Secretary shall assure that the transfer of amounts from one category to another is made to a category in which there is the greatest need for funds.

"(2) PEER REVIEW.—In order to transfer funds under this subsection, the Secretary shall use a peer review process to determine that such excess funds are not needed to fund projects in particular categories and shall prepare a list of the categories in which funds were not fully expended and the reasons therefor, and make such list available to local educational agencies and educational partnerships, upon request. The Secretary may use the peer review process to determine grant recipients of funds transferred in accordance with this subsection.

"(e) FEDERAL SHARE.—

"(1) FEDERAL SHARE.—The Federal share of a grant under this part may not exceed—

"(A) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

"(B) 75 percent of such cost in each such succeeding fiscal year.

"(2) REMAINING COSTS.—The remaining cost of a project that receives assistance under this part may be paid from any source other than funds made available under this part, except that not more than 10 percent of the remaining cost in any fiscal year may be provided from Federal sources other than this part.

"(3) NON-FEDERAL SHARE.—The share of payments from sources other than funds made available under this part may be in cash or in kind fairly evaluated, including plant, equipment or services.

**"SEC. 5204. APPLICATION.**

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—A grant under this part may be made only to a local educational agency or an educational partnership which submits an application to the Secretary containing such information as may be required by the Secretary by regulation.

"(2) DURATION.—Each such application shall be for a 3-year period.

"(b) CONTENTS.—Each such application shall—

"(1) provide documentation of—

"(A) the number of children who were enrolled in the schools of the applicant for the 5 academic years prior to the date application is made who have not completed their elementary or secondary education and who are classified as school dropouts; and

"(B) the percentage that such number of children is of the total school-age population in the applicant's schools;

"(2) include a plan for the development and implementation of a school dropout information collection and reporting system for documenting the extent and nature of the dropout problem, which system shall collect and cross tabulate data, where feasible, by sex according to race or ethnicity and socioeconomic status;

"(3) include a plan for coordinated activities involving at least 1 secondary school and its feeder junior high or middle schools and elementary schools for local educational agencies that have feeder systems;

"(4) when applicable, describe how programs assisted under this part will be coordinated with, and not duplicate, programs assisted under title I;

"(5) include a description of how the program assisted under this part is consistent with the second National Education Goal and other Federal programs as appropriate; and

"(6) contain such other information as the Secretary considers necessary to determine the nature of the local needs, the quality of the proposed project, and the capability of the applicant to carry out the project.

"(c) PRIORITY.—The Secretary shall, in approving applications under this section, give priority to applications which both show the replication of successful programs conducted in other local educational agencies or the expansion of successful programs within a local educational agency and reflect very high numbers or very high percentages of school dropouts in the schools of the applicant in each category described in section 5203(a).

"(d) SPECIAL CONSIDERATION.—The Secretary shall give additional special consideration to applications that include—

"(1) provisions which emphasize early intervention services designed to identify at-risk students in elementary or early secondary schools; and

"(2) provisions for significant parental involvement.

"(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).

**"SEC. 5205. AUTHORIZED ACTIVITIES.**

"Grants under this part shall be used to carry out plans set forth in applications approved under section 5204. In addition, grants may be used for educational, occupational, and basic skills testing services and activities, including, but not limited to—

"(1) the establishment of systemwide or school-level policies, procedures, and plans for dropout prevention and school reentry;

"(2) the development and implementation of activities, including extended day or summer programs, designed to address poor achievement, basic skills deficiencies, language deficiencies, or course failures, in order to assist students at risk of dropping out of school and students reentering school;

"(3) the establishment or expansion of work-study, apprentice, or internship programs;

"(4) the use of resources of the community, including contracting with public or private entities or community-based organizations of demonstrated performance, to provide services to the grant recipient or the target population;

"(5) the evaluation and revision of program placement of students at risk;

"(6) the evaluation of program effectiveness of dropout programs;

"(7) the development and implementation of programs for traditionally underserved groups of students;

"(8) the implementation of activities which will improve student motivation and the school learning environment;

"(9) the provision of training for school personnel on strategies and techniques designed to—

"(A) identify children at risk of dropping out;

"(B) intervene in the instructional program with support and remedial services;

"(C) develop realistic expectations for student performance; and

"(D) improve student-staff interactions;

"(10) the study of the relationship between drugs and dropouts and between youth gangs

*and dropouts, and the coordination of dropout prevention and reentry programs with appropriate drug prevention and community organizations for the prevention of youth gangs;*

*"(11) the study of the relationship between disabling conditions and student dropouts;*

*"(12) the study of the relationship between the dropout rate for gifted and talented students compared to the dropout rate for the general student enrollment;*

*"(13) the use of educational telecommunications and broadcasting technologies and educational materials designed to extend, motivate, and reinforce school, community, and home dropout prevention and reentry activities;*

*"(14) the development and implementation of efforts to identify and address factors in a student's decision to drop out of school that are related to gender and family roles;*

*"(15) the provision of other educational, occupational and testing services and activities which directly relate to the purpose of this part;*

*"(16) activities which offer jobs and college admissions for successful completion of the program for which assistance is sought;*

*"(17) summer employment programs;*

*"(18) occupational training programs;*

*"(19) career opportunity and skills counseling;*

*"(20) job placement services;*

*"(21) the development of skill employment competency testing programs;*

*"(22) special school staff training projects; and*

*"(23) mentoring programs.*

***"SEC. 5206. DISTRIBUTION OF ASSISTANCE; LIMITATION ON COSTS.***

*"(a) DISTRIBUTION OF ASSISTANCE.—The Secretary shall ensure that, to the extent practicable, in approving grant applications under this part—*

*"(1) grants are equitably distributed on a geographic basis within each category set forth in section 5203(a);*

*"(2) the amount of a grant to a local educational agency for a fiscal year is proportionate to the extent and severity of the local school dropout problem;*

*"(3) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to school dropout prevention; and*

*"(4) not less than 30 percent of the amount available for grants in each fiscal year is used for activities relating to persuading school dropouts to return to school and assisting former school dropouts with specialized services once school dropouts return to school.*

*"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of any grant made under this part may be used for administrative costs.*

***"SEC. 5207. REPORTS.***

*"(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1995, which sets forth the progress of the Commissioner of Education Statistics, established under section 14003(b), to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—*

*"(1) throughout the Nation by rural and urban location as defined by the Secretary; and*

*"(2) in each of the individual States and the District of Columbia.*

*"(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.*

***"SEC. 5208. AUTHORIZATION OF APPROPRIATIONS.***

*"There are authorized to be appropriated $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.*

## *"TITLE VII—LANGUAGE ENHANCEMENT AND ACQUISITION PROGRAMS*

## *"PART A—BILINGUAL EDUCATION PROGRAMS*

***"SEC. 7101. SHORT TITLE.***

*"This part may be cited as the 'Bilingual Education Act'.*

***"SEC. 7102. FINDINGS.***

*"The Congress finds that—*

*"(1) there are large and growing numbers of children and youth of limited-English proficiency, many of whom have a cultural heritage that differs from that of their English proficient peers;*

*"(2) limited-English proficient children and youth face a number of challenges in receiving an education that will enable such children and youth to participate fully in American society, including—*

*"(A) segregated education programs;*

*"(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;*

*"(C) the limited-English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and*

*"(D) a shortage of teachers and other staff who are professionally trained and qualified to serve such children and youth;*

*"(3) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local school districts take appropriate action to provide equal educational opportunities to children and youth of limited-English proficiency;*

*"(4) the Federal Government also, as exemplified by the Federal Government's efforts under this title, has a special and continuing obligation to assist States and local school districts in developing the capacity to provide programs of instruction that offer limited-English proficient children and youth an equal educational opportunity;*

*"(5) in carrying out the Federal Government's responsibilities with respect to ensuring equal educational opportunity for children and youth of limited-English proficiency, the Federal Government has learned that—*

*"(A) large numbers of such children and youth have needs that must be met by a program of instruction designed specifically for such children and youth;*

*"(B) a primary purpose of such programs must be developing the English language skills of such children and youth;*

*"(C) the use of a child or youth's native language and culture in classroom instruction can—*

*"(i) promote self-esteem and contribute to academic achievement and learning English by limited-English proficient children and youth;*

*"(ii) benefit English proficient children and youth who also participate in such programs; and*

*"(iii) develop our Nation's national language resources, thus promoting our Nation's competitiveness in the global economy;*

*"(D) parent and community participation in bilingual education programs contributes to program effectiveness; and*

*"(E) research, evaluation, and data-collection capabilities in the field of bilingual education need to be strengthened so that educators and other staff can better identify and promote those programs, program implementation strategies, and instructional practices that result in effective education; and*

*"(6) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act) have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States.*

***"SEC. 7103. POLICY; AUTHORIZATION OF APPROPRIATIONS.***

*"(a) POLICY.—The Congress declares it to be the policy of the United States, in order to ensure equal educational opportunity for all children and youth and to promote educational excellence, to assist State and local educational agencies and consortia of local educational agencies, institutions of higher education and community based organizations to build their capacity to establish, implement, and sustain programs of instruction for children and youth of limited-English proficiency that—*

*"(1) develop the English of such children and youth and, to the extent possible, the native language skills of such children and youth;*

*"(2) educate such children and youth to meet the same rigorous standards for academic performance expected of all children and youth, including meeting challenging State content standards and challenging State student performance standards in academic areas;*

*"(3) develop bilingual skills and multicultural understanding; and*

*"(4) provide similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law.*

*"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $215,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

***"SEC. 7104. DEFINITIONS.***

*"For the purpose of this title:*

*"(1) BILINGUAL EDUCATION PROGRAM.—(A) The term 'bilingual education program'—*

*"(i) means a program of instruction designed specifically for children and youth of limited-English proficiency at any grade level, including the preschool, elementary, or secondary school levels, that is intended—*

*"(I) to help such children and youth develop proficiency in English and, to the extent possible, the native language of such children and youth; and*

*"(II) to achieve to high academic standards in all courses of study; and*

*"(ii) may include activities to assist the parents of such children and youth enrolled in bilingual education programs to participate in the education of their children.*

*"(B)(i) A bilingual education program may be conducted in English, the native language, or both languages, except that all bilingual education programs shall develop proficiency in the English language. The native language may be used in the instructional program to facilitate the acquisition of English, to develop overall linguistic competence, and to develop competence in the academic curriculum.*

*"(ii) A bilingual education program shall, to the extent possible, incorporate the cultural heritage of the children or youth of limited-English proficiency served by the program, as well as the cultural heritage of other children in American society.*

*"(C) Children and youth proficient in English may participate in a bilingual education program to enable all children and youth participating in a bilingual education program to become proficient in English and a second language.*

"(2) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged three through 21.

"(3) DIRECTOR.—The term 'Director' means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 210 of the Department of Education Organization Act.

"(4) JURISDICTION WHERE A NATIVE AMERICAN LANGUAGE HAS OFFICIAL STATUS.—The term 'jurisdiction where a Native American language has official status' refers to States, territories, commonwealths, cities, counties, reservations, Alaska Native villages, school districts, and other jurisdictions similar to those described in this paragraph that have legally recognized a Native American language for conducting an aspect of their official business.

"(5) LIMITED-ENGLISH PROFICIENCY AND LIMITED-ENGLISH PROFICIENT.—The terms 'limited-English proficiency' and 'limited-English proficient', when used with reference to an individual, mean an individual—

"(A) who—

"(i) was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or

"(ii) is a Native American or Alaska Native and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

"(iii) is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

"(B) who, by reason thereof, has sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"(6) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

"(7) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in their educational programs and with at least five years successful experience in providing educational services in traditional Native American languages.

"(8) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual of limited-English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

"(9) OTHER PROGRAMS FOR PERSONS OF LIMITED-ENGLISH PROFICIENCY.—The term 'other programs for persons of limited-English proficiency' means any programs administered by the Secretary that directly involve bilingual education activities serving persons of limited-English proficiency.

**"SEC. 7105. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.**

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this part for individuals served by elementary and secondary schools operated predominately for Native American or Alaska Native children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this part, subject to the following qualifications:

"(1) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

"(ii) approved by the Secretary for the purpose of this section.

"(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this part, each eligible entity described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the proposed program.

***"Subpart 1—Financial Assistance for Bilingual Education***

**"SEC. 7111. FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.**

"(a) PURPOSE.—The purpose of this subpart is to assist local educational agencies, through the grants authorized by subsections (b), (c), and (d), to—

"(1) develop and enhance their capacity to provide high-quality instruction to children and youth of limited-English proficiency; and

"(2) to help such children and youth—

"(A) develop proficiency in English, and to the extent possible, their native language; and

"(B) meet the same challenging State content standards and challenging State student performance standards expected for all children and youth as required by section 1111(b).

"(b) DEVELOPMENT AND ENHANCEMENT GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies, or community based organizations in consortia with one or more local educational agencies and an institution of higher education, to—

"(A) develop new bilingual education programs;

"(B) enhance or expand existing bilingual education programs to meet new conditions, such as the need to serve additional language groups or different age or grade levels; and

"(C) meet the short-term needs of local educational agencies without bilingual education programs to serve children and youth of limited-English proficiency.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 2 years, except that grants to carry out paragraph (1)(A) shall be awarded for a period of not more than 3 years.

"(c) COMPREHENSIVE SCHOOL GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing schoolwide bilingual education programs that serve all (or virtually all) children and youth of limited-English proficiency in schools with significant concentrations of such children and youth.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies if the Secretary determines that—

"(A) the program evaluation required by section 7126 indicates that students in the schoolwide program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(d) COMPREHENSIVE DISTRICT GRANTS.—

"(1) IN GENERAL.—The Secretary is authorized to make grants to local educational agencies for the purpose of implementing district-wide bilingual education programs that serve a significant number of children and youth of limited-English proficiency in districts with significant concentrations of such children and youth.

"(2) DURATION.—Grants awarded under this subsection shall be for a period of not more than 5 years, except that the Secretary shall terminate grants to local educational agencies where the Secretary determines that—

"(A) the program evaluation required by section 7126 indicates that students in the program are not being taught to and achieving challenging State content standards and challenging State student performance standards; or

"(B) in the case of a program to promote dual language facility, such program is not promoting such facility.

"(e) USE OF FUNDS.—

"(1) IN GENERAL.—Recipients of grant funds under subsections (b), (c), and (d) may use such funds for—

"(A) identification and acquisition of curricular materials, educational software, and technologies to advance the education of children and youth of limited-English proficiency;

"(B) parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(C) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to children and youth of limited-English proficiency;

"(D) tutorials and academic or career counseling for children and youth of limited-English proficiency; and

"(E) such other activities, related to the purposes of this part, as the Secretary may approve.

"(2) ADDITIONAL ACTIVITIES.—Recipients of funds under subsections (c) and (d) may—

"(A) use such funds for preservice and inservice professional development of staff participating, or preparing to participate, in the program, including staff who will not directly participate in the bilingual instructional program (which in the case of teachers who are participating in the program may include release time with pay), if such activities are directly related to serving children and youth of limited-English proficiency and will help accomplish the purposes of this subpart; and

"(B) during the first 12 months of such a grant, engage exclusively in activities preparatory to the delivery of services, which may include program design, the development of materials and procedures, and activities to involve parents in the educational program and to enable parents and family members to assist in the education of children and youth of limited-English proficiency.

"(f) GEOGRAPHIC DISTRIBUTION OF FUNDS.—To the extent possible, the Secretary shall award grants under this section throughout the Nation in a manner that—

"(1) reflects the geographic distribution of children and youth of limited-English proficiency throughout the Nation;

"(2) takes into account significant increases in limited-English proficient children and youth in areas with low concentrations of such children and youth; and

"(3) ensures that activities assisted under this part address the full needs of school systems of all sizes and geographic areas, including rural schools.

"(g) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited-English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"(h) APPLICATIONS.—

"(1) IN GENERAL.—Any local educational agency or community based organization that desires a grant under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) CONTENTS.—Each such application shall—

"(A) describe—

"(i) the need for the proposed program, including data on the number of the children and youth of limited-English proficiency in the school or district to be served and the characteristics of such children and youth, such as language spoken, dropout rates, proficiency in English and the native language, academic standing in relation to English proficient peers, and, where applicable, the recency of immigration; and

"(ii) the program to be implemented and how such program's design—

"(I) relates to the linguistic and academic needs of the children and youth of limited-English proficiency to be served; and

"(II) is consistent with, and promotes the goals in, the local educational agency's improvement plan under section 1112, particularly as such plan relates to the education of children and youth of limited-English proficiency; and

"(B) provide an assurance that the applicant will not reduce the level of State and local funds that the applicant expends for bilingual education programs if the applicant receives an award under this subpart.

"(3) ADDITIONAL INFORMATION.—Each application for a grant under subsection (c) or (d) shall—

"(A) describe—

"(i) current services the applicant provides to children and youth of limited-English proficiency;

"(ii) what services children and youth of limited-English proficiency will receive under the grant that such children or youth will not otherwise receive;

"(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve children and youth of limited-English proficiency; and

"(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(B) provide assurances that—

"(i) the program funded will be integrated with the overall educational program; and

"(ii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such programs.

"(i) LIMITATION ON FUNDING.—

"(1) DEVELOPMENT AND ENHANCEMENT GRANTS.—Not more than 25 percent of the total amount of funds that the Secretary awards under subsection (b) for any fiscal year shall be used to provide funding to bilingual education programs that do not use the native language.

"(2) COMPREHENSIVE SCHOOL GRANTS.—Not more than 25 percent of the total amount of funds that the Secretary awards under subsection (c) for any fiscal year shall be used to provide funding to bilingual education programs that do not use the native language.

"(3) SPECIAL RULE.—Notwithstanding paragraphs (1) and (2), the Secretary is authorized to award grants for bilingual education programs that are not conducted in the native language if an applicant has demonstrated that the applicant cannot develop and implement a bilingual education program that is conducted in the native language because—

"(A) the diversity of limited-English proficient students' native languages and the small number of students speaking each respective language make instruction in the native language impractical; or

"(B) despite documented efforts, the applicant has not been able to hire instructional personnel who are able to communicate in the students' native language.

"(j) STATE REVIEW OF APPLICATIONS UNDER PART A.—In order for an eligible applicant to apply for funds under this subpart, such applicant shall submit the application to the State educational agency for review. The State educational agency shall transmit such application to the Secretary along with such agency's timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111.

"(k) CAPACITY BUILDING.—

"(1) IN GENERAL.—Each recipient of a grant under this section shall use the grant funds in ways that will build such recipient's capacity to continue to offer high quality bilingual education programs and services to children and youth of limited-English proficiency once Federal assistance is reduced or eliminated.

"(2) SPECIAL RULE.—In making awards under this subpart for any fiscal year, the Secretary shall, consistent with the quality of applications and the funds available under this part, increase the amount of funds used to support grants under subsections (c) and (d) over the amount used to support grants under subsections (c) and (d) in the previous fiscal year.

"(l) CONSORTIA.—A local educational agency that receives a grant under this subpart may collaborate or form a consortium with one or more local education agencies, institutions of higher education, and nonprofit organizations to carry out a program described in an application approved under this subpart.

"(m) SUBGRANTS.—A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this subpart, including a program to serve out-of-school youth.

"(n) PARENTAL NOTIFICATION.—

"(1) IN GENERAL.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed of the—

"(A) benefits and nature of the bilingual educational program and of the instructional alternatives; and

"(B) reasons for the selection of their child as being in need of bilingual education.

"(2) OPTION TO DECLINE.—(A) Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall be informed that such parents have the option of declining enrollment of their children in such programs and shall be given an opportunity to do so if such parents so choose.

"(B) Nothing in this section shall be construed to relieve a local educational agency, community based organization or consortium receiving assistance under this part of any of their obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in bilingual education programs.

"(3) INFORMATION.—Parents of a child or youth of limited-English proficiency identified for enrollment in bilingual education programs shall receive, in a manner and form understandable to such parents, including, if necessary and to the extent feasible, in the native language of such parents, the information required by this subsection. At a minimum, such parents shall receive—

"(A) timely information about projects funded under this subpart; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(o) PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.—Programs authorized under this title that serve Native American children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title, may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children and youth learning and studying Native American languages and children and youth of limited-Spanish proficiency, except that one outcome of such programs serving Native American children shall be increased English proficiency among such children.

**"Subpart 2—Research and Evaluation**

**"SEC. 7121. AUTHORITY.**

"The Secretary is authorized to conduct data collection, dissemination, research, and evaluation activities for the purpose of improving bilingual education programs for children and youth of limited-English proficiency.

**"SEC. 7122. RESEARCH.**

"(a) AWARDS.—The Secretary may award grants and enter into contracts and cooperative agreements for research and evaluation activities related to improving and maintaining high quality bilingual educational programs for persons of limited-English proficiency.

"(b) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners to identify areas of study and activities to be funded under this section.

"(c) RESEARCH AND DISSEMINATION.—The Secretary, through the Office of Educational Research and Improvement, if appropriate, shall—

"(1) conduct research on effective instruction practices for multilingual classes, and on effective instruction strategies to be used by teachers and other staff who do not know the native language of a limited-English proficient child in their classrooms; and

"(2) disseminate the findings of such research.

**"SEC. 7123. ACADEMIC EXCELLENCE AWARDS.**

"(a) AWARDS.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, State and local educational agencies, nonprofit organizations, and institutions of higher education to promote the adoption and implementation of bilingual education programs that demonstrate great promise of assisting children and youth of limited-English proficiency to meet challenging State content standards and challenging State student performance standards.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring an award under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) PEER REVIEW.—The Secretary shall use a peer review process, using effectiveness criteria that the Secretary shall establish, to review applications under this section.

"(c) USE OF FUNDS.—Funds under this section shall be used to enhance the capacity of States and local education agencies to provide high quality academic programs for children and youth of limited-English proficiency, which may include—

"(1) completing the development of such programs;

"(2) professional development of staff participating in bilingual education programs;

"(3) sharing strategies and materials; and

"(4) supporting professional networks.

"(d) COORDINATION.—Recipients of funds under this section shall coordinate the activities assisted under this section with activities carried out by comprehensive regional centers assisted under subpart 1 of part C of title II.

**"SEC. 7124. STATE GRANT PROGRAM.**

"(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency effectively provides for the education of children and youth of limited-English proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency may use funds for programs authorized by this section to—

"(A) assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation;

"(B) operate a bilingual education advisory panel under subsection (d); and

"(C) collect data concerning children and youth of limited-English proficiency.

"(2) SPECIAL RULE.—Recipients of awards under this section shall not restrict the provision of services under this section to federally funded programs.

"(d) STATE BILINGUAL EDUCATION ADVISORY PANEL.—Each State educational agency that receives funds under this section shall appoint a broad-based bilingual education advisory panel, with substantial representation from persons knowledgeable about the education of limited-English proficient students, to develop and recommend to the State educational agency guidelines for reviewing, and providing the Secretary with comments regarding, applications for funds under subparts 1 and 3 that come from within the State.

"(e) APPLICATIONS.—A State educational agency desiring to receive an award under this section shall submit an application to the Secretary in such form, at such time, containing such information and assurances as the Secretary may require.

**"SEC. 7125. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.**

"(a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

"(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

"(1) coordinate its activities with Federal data and information clearinghouses and dissemination networks and systems; and

"(2) develop a data base management and monitoring system for improving the operation and effectiveness of programs assisted under this part.

**"SEC. 7126. EVALUATIONS.**

"(a) PROGRAM EVALUATIONS UNDER SUBPART 1.—

"(1) IN GENERAL.—Each recipient of funds under subpart 1 shall provide the Secretary with an evaluation, in the form prescribed by the Secretary, of the program assisted under such subpart every 2 years.

"(2) USE.—Such evaluation shall be used by a recipient of funds under subpart 1—

"(A) to improve such program;

"(B) to further define such program's goals and objectives; and

"(C) to determine program effectiveness.

"(3) CONTENTS.—Such evaluation shall include—

"(A) student outcome indicators that measure progress toward the challenging State student performance standards set out in the State plan approved or being developed under section 1111, including data comparing children and youth of limited-English proficiency with nonlimited-English proficient children and youth with regard to school retention, academic achievement, and gains in English (and, where applicable, native language) proficiency;

"(B) program implementation indicators that provide information for informing and improving program management and effectiveness, including data on appropriateness of curriculum in relationship to grade and course requirements, appropriateness of program management, appropriateness of the professional development of the program staff, and appropriateness of the language of instruction;

"(C) program context indicators that describe the relationship of the activities funded under the grant to the overall school program and other Federal, State, or local programs serving children and youth of limited-English proficiency; and

"(D) such other information as the Secretary may require.

"(b) PROGRAM EVALUATIONS UNDER SUBPART 3.—

"(1) IN GENERAL.—Each recipient of funds under subpart 3 shall provide the Secretary with an evaluation of the program assisted under such subpart every 2 years.

"(2) DATA.—Such evaluation shall include data on—

"(A) post-program placement of persons trained;

"(B) how the training relates to the employment of persons served by the program;

"(C) program completion; and

"(D) such other information as the Secretary may require.

***"Subpart 3—Professional Development***

**"SEC. 7131. PURPOSE.**

"The purpose of this subpart is to improve the quality of instruction for children and youth of limited-English proficiency—

"(1) through professional development programs designed—

"(A) for persons preparing to provide services for children and youth of limited-English proficiency;

"(B) to improve the skills of persons providing services to children and youth of limited-English proficiency; and

"(C) for other staff in schools serving children and youth of limited-English proficiency; and

"(2) by disseminating information on appropriate instructional practices and activities for children and youth of limited-English proficiency to other school personnel, including teachers not serving such children and youth.

**"SEC. 7132. PROFESSIONAL DEVELOPMENT GRANTS.**

"(a) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—The Secretary is authorized to make grants to institutions of higher education for—

"(1) preservice and inservice professional development for individuals who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited-English proficiency, which in the case of teachers who are involved in the provision of such services may include release time with pay; and

"(2) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited-English proficiency.

"(b) GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES.—The Secretary may make grants to State and local educational agencies for inservice professional development programs that prepare school personnel to provide effective services to limited-English proficient students.

"(c) USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.—Awards under this section may be used to develop a program participant's competence in a second language.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—An institution of higher education, or a State or local educational agency desiring to receive an award under this section shall submit, through its State educational agency, an application to the Secretary, in such form, at such time, and containing such information and assurances as the Secretary may require.

"(2) CONSULTATION AND ASSESSMENT.—Each such application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited-English proficiency to determine such school's need for, and the design of, the program for which funds are sought.

"(3) SPECIAL RULE.—(A) An application for a grant under subsection (a) from an applicant who proposes to conduct a masters or doctoral-level program with funds received under this section shall provide an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited-English proficiency.

"(B) A recipient of a grant under subsection (a) may waive the requirement of a training practicum for a degree candidate with significant experience in a local school program serving children and youth of limited-English proficiency.

"(4) REVIEW.—In order for an institution of higher education or a local educational agency to apply for funds under this section, the State educational agency serving such institution shall review the application and provide the Secretary with timely comments on the need within the State for the proposed program and whether the proposed program is consistent with the State plan under section 1111 and section 2125(b)(1).

**"SEC. 7133. FELLOWSHIPS.**

"(a) ACADEMIC FELLOWSHIPS.—The Secretary may award fellowships for masters, doctoral, and post-doctoral study related to instruction of children and youth of limited-English proficiency in such areas as teacher training, program administration, research and evaluation,

*and curriculum development, and for the support of dissertation research related to such study.*

*"(b) REPAYMENT.—*

*"(1) IN GENERAL.—Any person receiving a fellowship under this section shall agree to—*

*"(A) work in an activity related to the area for which the assistance was awarded or in an activity such as those authorized under this part for a period of time equivalent to the period of time during which such person receives assistance under this section; or*

*"(B) repay such assistance.*

*"(2) TERMS AND CONDITIONS.—The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary deems reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.*

***"SEC. 7134. STIPENDS.***

*"The Secretary shall provide for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate, to persons participating in training programs under this subpart.*

***"PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM***

***"SEC. 7201. SHORT TITLE.***

*"This part may be cited as the 'Foreign Language Assistance Act of 1994'.*

***"SEC. 7202. FINDINGS.***

*"The Congress finds as follows:*

*"(1) Foreign language proficiency is crucial to our Nation's economic competitiveness and national security. Significant improvement in the quantity and quality of foreign language instruction offered in our Nation's elementary and secondary schools is necessary.*

*"(2) All Americans need a global perspective. To understand the world around us, we must acquaint ourselves with the languages, cultures, and history of other nations.*

*"(3) Proficiency in two or more languages should be promoted for all American students. Multilingualism enhances cognitive and social growth, competitiveness in the global marketplace, national security, and understanding of diverse people and cultures.*

*"(4) The United States lags behind other developed countries in offering foreign language study to elementary and secondary school students.*

*"(5) Four out of five new jobs in the United States are created from foreign trade.*

*"(6) The optimum time to begin learning a second language is in elementary school, when children have the ability to learn and excel in several foreign language acquisition skills, including pronunciation, and when children are most open to appreciating and valuing a culture other than their own.*

*"(7) Foreign language study can increase children's capacity for critical and creative thinking skills and children who study a second language show greater cognitive development in areas such as mental flexibility, creativity, tolerance, and higher order thinking skills.*

*"(8) Children who have studied a foreign language in elementary school achieve expected gains and score higher on standardized tests of reading, language arts, and mathematics than children who have not studied a foreign language.*

***"SEC. 7203. PROGRAM AUTHORIZED.***

*"(a) PROGRAM AUTHORITY.—*

*"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement or expansion of foreign language study for elementary and secondary school students.*

*"(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.*

*"(b) REQUIREMENTS.—*

*"(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.*

*"(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—*

*"(A) show the promise of being continued beyond the grant period;*

*"(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and*

*"(C) may include a professional development component.*

*"(c) FEDERAL SHARE.—*

*"(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.*

*"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part.*

*"(3) SPECIAL RULE.—Not less than three-fourths of the funds appropriated under section 7206 shall be used for the expansion of foreign language learning in the elementary grades.*

*"(4) RESERVATION.—The Secretary may reserve not more than 5 percent of funds appropriated under section 7206 to evaluate the efficacy of programs under this part.*

***"SEC. 7204. APPLICATIONS.***

*"(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.*

*"(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—*

*"(1) include intensive summer foreign language programs for professional development;*

*"(2) link non-native English speakers in the community with the schools in order to promote two-way language learning; or*

*"(3) promote the sequential study of a foreign language for students, beginning in elementary schools.*

***"SEC. 7205. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.***

*"(a) INCENTIVE PAYMENTS.—From amounts appropriated under section 7206 the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.*

*"(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.*

*"(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides at least 45 minutes of instruction in a foreign language at least 4 days per week throughout an academic year.*

***"SEC. 7206. AUTHORIZATION OF APPROPRIATIONS.***

*"There are authorized to be appropriated $35,000,000 for the fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part, of which not more than $20,000,000 may be used in each fiscal year to carry out section 7205.*

***"PART C—ADMINISTRATION***

***"SEC. 7301. COORDINATION WITH RELATED PROGRAMS.***

*"In order to maximize the effectiveness of Federal efforts aimed at serving the educational needs of children and youth of limited-English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs administered by the Department, including programs in such areas as teacher training, program content, research, and curriculum.*

***"SEC. 7302. REPORT ON BILINGUAL EDUCATION.***

*"The Secretary shall, within three years of the date of enactment of the Improving America's Schools Act of 1994, and every third year thereafter, submit to the Congress a report on the condition of bilingual education. The report shall include—*

*"(1) information regarding—*

*"(A) the grants, contracts, and cooperative agreements made pursuant to this title in the preceding 3 fiscal years;*

*"(B) the number of individuals benefiting from the programs assisted under this title;*

*"(C) the evaluation of activities carried out under this title during the preceding 3 fiscal years and the extent to which each such activity achieves the policy set forth in section 7103(a);*

*"(D) an estimate of the number of teachers and other school personnel for bilingual education that will be necessary for the 3 succeeding fiscal years; and*

*"(E) the research activities carried out under this title during the preceding 3 fiscal years and the major findings of such research activities; and*

*"(2) an analysis and synthesis of such information.*

***"SEC. 7303. STATE EDUCATIONAL AGENCY RECOMMENDATIONS; PEER REVIEW.***

*"(a) STATE EDUCATIONAL AGENCY RECOMMENDATIONS.—In making awards under part A, the Secretary shall take State educational agency recommendations into account.*

*"(b) PEER REVIEW.—*

*"(1) IN GENERAL.—In making awards under part A and in making funding decisions for continuation grants under such parts, the Secretary may solicit recommendations from peer review panels composed of individuals experienced in aspects of the education of limited-English proficient students.*

*"(2) FUNDING.—The Secretary may use not more than 0.2 percent of the total amount of funds appropriated for each fiscal year for programs authorized under this title for peer review of applications for assistance under such programs.*

***"PART D—SPECIAL RULE***

***"SEC. 7401. SPECIAL RULE.***

*"Notwithstanding any other provision of law, no recipient of a grant under title VII of this Act (as such title was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be eligible for fourth- and fifth-year renewals authorized by section 7021(d)(1)(C) of such title (as such section was in effect on the day preceding the date of enactment of such Act).*

***"TITLE VIII—PROGRAMS OF NATIONAL SIGNIFICANCE***

***"PART A—ARTS IN EDUCATION***

***"SEC. 8101. SUPPORT FOR ARTS EDUCATION.***

*"(a) FINDINGS.—The Congress finds that—*

*"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;*

*"(2) the arts are important to excellent education and to effective school reform;*

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) such transformation is best realized in the context of comprehensive, systemic education reform;

"(5) demonstrated competency in the arts for American students is among the National Education Goals;

"(6) arts education should be an integral part of the elementary and secondary school curriculum;

"(7) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings; and

"(8) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities.

"(b) PURPOSE.—The purposes of this part are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts in accordance with the National Education Goals.

"(c) ELIGIBLE RECIPIENTS.—In order to carry out the purposes of this part, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) other public and private agencies, institutions, and organizations.

"(d) AUTHORIZED ACTIVITIES.—Funds under this part may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs developed by Very Special Arts which assure the participation in mainstream settings in arts and education programs of persons of all ages with disabilities;

"(9) supporting model projects and programs to integrate arts education into the regular elementary and secondary school curriculum; and

"(10) other activities that further the purposes of this part.

"(e) COORDINATION.—

"(1) IN GENERAL.—A recipient of funds under this part shall, to the extent possible, coordinate projects assisted under this part with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) SPECIAL RULE.—In carrying out this part, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum Services, the John F. Kennedy Center for the Performing Arts, Very Special Arts, and the National Gallery of Art.

"(f) AUTHORIZATION.—

"(1) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(2) SPECIAL RULE.—If the amount appropriated under paragraph (1) for any fiscal year is $9,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

## "PART B—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

### "SEC. 8151. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

"(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

"(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or loan, to children from birth through secondary school age;

"(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

"(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

"(A) low-income children, particularly in high-poverty areas;

"(B) children at risk of school failure;

"(C) children with disabilities;

"(D) foster children;

"(E) homeless children;

"(F) migrant children;

"(G) children without access to libraries;

"(H) institutionalized or incarcerated children; and

"(I) children whose parents are institutionalized or incarcerated;

"(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

"(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

"(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

"(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

"(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $11,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

## "PART C—PUBLIC CHARTER SCHOOLS

### "SEC. 8201. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

"(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

"(3) the new schools developed through such process should be free to test a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for students consistent with challenging State content standards and challenging State student performance standards for all students;

"(4) charter schools, as such schools have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

"(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which reduction can have a significant effect on student achievement; and

"(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform.

"(b) PURPOSE.—It is the purpose of this part to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the design and initial implementation of charter schools; and

"(2) evaluating the effects of such schools, including the effects on students, staff, and parents.

### "SEC. 8202. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 8203 to enable such agencies to conduct a charter school grant program in accordance with this part.

"(b) SPECIAL RULE.—If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 8203, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 8203(c).

"(c) PROGRAM PERIODS.—

"(1) GRANTS TO STATES.—Grants awarded to State educational agencies under this part shall

be awarded for a period of not more than 3 years.

"(2) GRANTS TO ELIGIBLE APPLICANTS.—Grants awarded by the Secretary or by State educational agencies to eligible applicants under this part shall be awarded for a period of not more than 3 years, of which the eligible applicant may use—

"(A) not more than 18 months for planning and program design; and

"(B) not more than 2 years for the initial implementation of a charter school.

"(d) LIMITATION.—The Secretary and State educational agencies shall not award more than one grant under this part to support a particular charter school.

"(e) USE OF GRANTS.—

"(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall use such grant funds to award grants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part.

"(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving a grant from the Secretary or a State educational agency shall use such grant funds to plan and implement a charter school in accordance with this part.

"(3) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

"(4) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this part may reserve not more than 20 percent of the grant amount for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a grant under this part, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

**"SEC. 8203. APPLICATIONS.**

"(a) APPLICATIONS FROM STATE AGENCIES.—Each State educational agency desiring a grant under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

"(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives shall be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program and the availability of grants for the establishment of such schools;

"(2) contain assurances that the State educational agency—

"(A) has granted, will grant, or will obtain, a waiver of all State law applicable to each charter school receiving a grant under this section, except that this subparagraph only shall apply to a State that has enacted a statute regarding the waiver of State law for charter schools to the extent permitted by such statute; and

"(B) will assist each eligible applicant in the State in receiving a waiver under section 8204(d);

"(3) contain assurances that the State educational agency will require each eligible applicant receiving a grant to submit an application to the State educational agency containing—

"(A) a description of the educational program to be implemented by the proposed charter school, including—

"(i) how the program will enable all students to meet State student performance standards;

"(ii) the grade levels or ages of children to be served; and

"(iii) the curriculum and instructional practices to be used;

"(B) a description of how the charter school will be managed;

"(C) a description of—

"(i) the objectives of the charter school; and

"(ii) the method by which the charter school will determine its progress toward achieving those objectives;

"(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

"(E) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

"(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired if such agency determines that the school has met the objectives described in subparagraph (C)(i);

"(G) a request and justification for waivers of any Federal or State statutory or regulatory requirements that the applicant believes are necessary for the successful operation of the charter school;

"(H) a description of how the grant funds will be used, including a description of how grant funds will be used in conjunction with other Federal programs administered by the Secretary;

"(I) a description of how students in the community will be—

"(i) informed about the charter school; and

"(ii) given an equal opportunity to attend the charter school;

"(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

"(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part; and

"(L) such other information and assurances as the Secretary and the State educational agency may require.

"(c) APPLICATIONS FROM ELIGIBLE APPLICANTS.—Each eligible applicant desiring a grant pursuant to section 8202(e)(1) or 8202(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require. Each such application shall contain the information and assurances described in subparagraphs (A) through (L) of subsection (b)(3), except that for purpose of this sentence subparagraphs (J), (K), and (L) of such subsection shall be applied by striking "and the State educational agency" each place such term appears.

**"SEC. 8204. ADMINISTRATION.**

"(a) ADMINISTRATION CRITERIA.—The Secretary shall select grant recipients under this part on the basis of the quality of the applications submitted under section 8203, after taking into consideration factors, such as—

"(1) the contribution that charter school will make to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

"(2) the degree of flexibility afforded by the State and local educational agencies in grant waivers and otherwise assisting teachers and others in establishing charter schools within the State;

"(3) the quality of the proposed curriculum and instructional practices;

"(4) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency, to the charter school;

"(5) the extent of community support for the application;

"(6) the ambitiousness of the objectives for the charter school;

"(7) the quality of the plan for assessing achievement of such objectives; and

"(8) the likelihood that the charter school will meet such objectives and improve educational results for students.

"(b) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for grants under this part.

"(c) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this part, shall award grants under this part in a manner that, to the extent possible, ensures that such grants—

"(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

"(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

"(d) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 8207(1), if—

"(1) the waiver is requested in an approved application under this part; and

"(2) the Secretary determines that granting such a waiver will promote the purpose of this part.

**"SEC. 8205. USES OF FUNDS.**

"A recipient of a grant under this part may use the grant funds only for—

"(1) post-award planning and design of the educational program, which may include—

"(A) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(B) professional development of teachers and other staff who will work in the charter school; and

"(2) initial implementation of the charter school, which may include—

"(A) informing the community about the school;

"(B) acquiring necessary equipment and educational materials and supplies;

"(C) acquiring or developing curriculum materials;

"(D) minor remodeling or renovation of facilities needed to meet State or local health or safety laws or regulations; and

"(E) other initial operational costs that cannot be met from State or local sources.

**"SEC. 8206. NATIONAL ACTIVITIES.**

"The Secretary may reserve not more than 10 percent of the funds available to carry out this part for any fiscal year for—

"(1) peer review of applications under section 8204;

"(2) an evaluation of charter schools, including those assisted under this part; and

"(3) other activities designed to enhance the success of the activities assisted under this part, such as—

"(A) development and dissemination of model State charter school laws and model contracts or other means of authorizing and monitoring the performance of charter schools;

"(B) collection and dissemination of information on successful charter schools; and

"(C) conferences, publications, and use of telecommunications and other means to share

*ideas and information among grant recipients and others about charter schools.*

**"SEC. 8207. DEFINITIONS.**

"As used in this part:

"(1) The term 'charter school' means a public school that—

"(A) in accordance with an enabling State statute, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other schools in the State, unless such requirements are specifically waived for the purpose of this program; and

"(J) meets all applicable Federal, State, and local health and safety requirements.

"(2) The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) The term 'eligible applicant' means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this part.

"(4) The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law to authorize or approve a charter school.

**"SEC. 8208. AUTHORIZATION OF APPROPRIATIONS.**

"For the purpose of carrying out this part, there are authorized to be appropriated $15,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**"PART D—CIVIC EDUCATION**

**"SEC. 8251. INSTRUCTION ON THE HISTORY AND PRINCIPLES OF DEMOCRACY IN THE UNITED STATES.**

"(a) GENERAL AUTHORITY.—

"(1) PROGRAM ESTABLISHED.—(A) The Secretary is authorized to carry out a program to enhance the attainment of the third and sixth National Education Goals by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

"(B) Such program shall be known as 'We the People . . . The Citizen and the Constitution'.

"(2) EDUCATIONAL ACTIVITIES.—The program required by paragraph (1) shall—

"(A) continue and expand the educational activities of the 'We the People . . . The Citizen and the Constitution' program administered by the Center for Civic Education; and

"(B) enhance student attainment of challenging content standards in civics and government.

"(3) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to enter into a contract or grant with the Center for Civic Education to carry out the program described in paragraph (1).

"(b) PROGRAM CONTENT.—The education program authorized by this section shall provide—

"(1) a course of instruction on the basic principles of our constitutional democracy and the history of the Constitution and the Bill of Rights;

"(2) at the request of a participating school, school and community simulated congressional hearings following the course of study; and

"(3) an annual national competition of simulated congressional hearings for secondary students who wish to participate in such program.

"(c) PROGRAM CONTENT.—The education program authorized by this section shall be made available to public and private elementary and secondary schools in the 435 congressional districts, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) SPECIAL RULE.—After the provisions of subsection (b) have been implemented, funds provided under this section may be used for—

"(1) advanced training of teachers about the United States Constitution and the political system the United States created; or

"(2) a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution, which course shall provide for—

"(A) optional school and community simulated State legislative hearings;

"(B) an annual competition of simulated legislative hearings at the State legislative district, State, and national levels for middle school students who wish to participate in the program; and

"(C) participation by public and private middle schools in the 50 States, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

**"SEC. 8252. INSTRUCTION IN CIVICS, GOVERNMENT, AND THE LAW.**

"(a) PROGRAM ESTABLISHED.—The Secretary is authorized to carry out a program of grants and contracts to assist State and local educational agencies and other public and private nonprofit agencies, organizations and institutions to enhance—

"(1) attainment by students of challenging State content standards and challenging State student performance standards in civics, government, and the law; and

"(2) attainment by the Nation of the third and the sixth National Education Goals.

"(b) AUTHORIZED ACTIVITIES.—Assistance under this section may support new and ongoing programs in elementary and secondary schools that provide for—

"(1) the development and implementation of curricular programs that enhance student understanding of—

"(A) the values and principles which underlie, and the institutions and processes which comprise, our Nation's system of government;

"(B) the role of law in our constitutional democracy, including activities to promote—

"(i) legal literacy;

"(ii) a dedication by students to the use of nonviolent means of conflict resolution such as arbitration, mediation, negotiation, trials, and appellate hearings; and

"(iii) respect for cultural diversity and acceptance of cultural differences; and

"(C) the rights and responsibilities of citizenship;

"(2) professional development for teachers, including preservice and inservice training;

"(3) outside-the-classroom learning experiences for students, including community service activities;

"(4) the active participation of community leaders, from the public and private sectors, in the schools; and

"(5) the provision of technical assistance to State and local educational agencies and other institutions and organizations working to further the progress of the Nation in attaining the third and sixth National Education Goals regarding civics and government.

"(c) APPLICATIONS, PEER REVIEW AND PRIORITY.—

"(1) SUBMISSION OF APPLICATIONS.—A State or local educational agency, other public or private nonprofit agency, organization, or institution that desires to receive a grant or enter into a contract under this section 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.

"(2) PEER REVIEW.—(A) The Secretary shall convene a panel of individuals for purpose of reviewing and rating applications submitted under paragraph (1).

"(B) Such individuals shall have experience with education programs in civics, government, and the law.

"(3) PRIORITY.—In making grants or awarding contracts under this section, the Secretary shall give priority consideration to applications which propose the operation of statewide programs.

"(d) DURATION OF GRANTS AND EXCEPTION.—

"(1) DURATION.—Except as provided in paragraph (2), the Secretary shall make grants and enter into contracts under this section for periods of two or three years.

"(2) EXCEPTION.—The Secretary may make a grant or enter into a contract under this section for a period of less than 2 years if the Secretary determines that special circumstances exist which warrant a 1-year grant or contract award.

**"SEC. 8253. REPORT; AUTHORIZATION OF APPROPRIATIONS.**

"(a) REPORT.—The Secretary shall report, on a biennial basis and in accordance with section 10701, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate regarding the distribution and use of funds authorized under this part.

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this part, there are authorized to be appropriated $20,000,000 for fiscal year 1995 and such sums as necessary for each of the 4 succeeding fiscal years.

"(2) ALLOCATION.—From the amount appropriated under subsection (a), the Secretary shall allocate—

"(A) 50 percent of such amount to carry out section 8251; and

"(B) 50 percent of such amount to carry out section 8252.

**"PART E—ALLEN J. ELLENDER FELLOWSHIP PROGRAM**

**"SEC. 8301. FINDINGS.**

"The Congress finds as follows:

"(1) It is a worthwhile goal to ensure that all students in America are prepared for responsible citizenship and that all students should have the opportunity to be involved in activities that promote and demonstrate good citizenship.

"(2) It is a worthwhile goal to ensure that America's educators have access to programs for

*the continued improvement of their professional skills.*

*"(3) Allen J. Ellender, a Senator from Louisiana and President pro tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people. Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, nonprofit foundation promoting knowledge and understanding of the Federal Government among young people and educators. Therefore, it is a fitting and appropriate tribute to Senator Ellender to provide fellowships in his name to students of limited economic means, the teachers who work with such students, and older Americans, so that such students, teachers, and older Americans may participate in the programs supported by the Close Up Foundation.*

***"Subpart 1—Program for Middle and Secondary School Students***

***"SEC. 8311. ESTABLISHMENT.***

*"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this title to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among middle and secondary school students.*

*"(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be known as Allen J. Ellender fellowships.*

***"SEC. 8312. APPLICATIONS.***

*"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.*

*"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—*

*"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;*

*"(2) that every effort will be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including students with disabilities, ethnic minority students, and gifted and talented students; and*

*"(3) the proper disbursement of the funds of the United States received under this subpart.*

***"Subpart 2—Program for Middle and Secondary School Teachers***

***"SEC. 8321. ESTABLISHMENT.***

*"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.*

*"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to teachers who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.*

***"SEC. 8322. APPLICATIONS.***

*"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.*

*"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—*

*"(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the programs described in section 8311(a);*

*"(2) that not more than one teacher in each school participating in the programs provided for in section 8311(a) may receive a fellowship in any fiscal year; and*

*"(3) the proper disbursement of the funds of the United States received under this subpart.*

***"Subpart 3—Programs for Recent Immigrants, Students of Migrant Parents and Older Americans***

***"SEC. 8331. ESTABLISHMENT.***

*"(a) GENERAL AUTHORITY.—*

*"(1) IN GENERAL.—The Secretary is authorized to make grants in accordance with the provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged older Americans, recent immigrants and students of migrant parents.*

*"(2) DEFINITION.—For the purpose of this subpart, the term 'older American' means an individual who has attained 55 years of age.*

*"(b) USE OF FUNDS.—Grants under this subpart shall be used only for financial assistance to economically disadvantaged older Americans, recent immigrants and students of migrant parents who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such individuals shall be known as Allen J. Ellender fellowships.*

***"SEC. 8332. APPLICATIONS.***

*"(a) APPLICATION REQUIRED.—No grant under this subpart may be made except upon application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.*

*"(b) CONTENTS OF APPLICATION.—Each such application shall contain provisions to assure—*

*"(1) that fellowship grants are made to economically disadvantaged older Americans, recent immigrants and students of migrant parents;*

*"(2) that every effort will be made to ensure the participation of older Americans, recent immigrants and students of migrant parents from rural and small town areas, as well as from urban areas, and that in awarding fellowships, special consideration will be given to the participation of older Americans, recent immigrants and students of migrant parents with special needs, including individuals with disabilities, ethnic minorities, and gifted and talented students;*

*"(3) that activities permitted by subsection (a) are fully described; and*

*"(4) the proper disbursement of the funds of the United States received under this subpart.*

***"Subpart 4—General Provisions***

***"SEC. 8341. ADMINISTRATIVE PROVISIONS.***

*"(a) GENERAL RULE.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.*

*"(b) AUDIT RULE.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.*

***"SEC. 8342. AUTHORIZATION OF APPROPRIATIONS.***

*"(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part $4,500,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(b) SPECIAL RULE.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in section 8311(a).*

***"PART F—GIFTED AND TALENTED CHILDREN***

***"SEC. 8401. SHORT TITLE.***

*"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1994'.*

***"SEC. 8402. FINDINGS AND PURPOSES.***

*"(a) FINDINGS.—The Congress finds and declares that—*

*"(1) all students can learn to high standards and must develop their talents and realize their potential if the United States is to prosper;*

*"(2) gifted and talented students are a national resource vital to the future of the Nation and our Nation's security and well-being;*

*"(3) too often schools fail to challenge students to do their best work, and students who are not challenged will not learn to challenging State content standards and challenging State student performance standards, fully develop their talents, and realize their potential;*

*"(4) unless the special abilities of gifted and talented students are recognized and developed during their elementary and secondary school years, much of their special potential for contributing to the national interest is likely to be lost;*

*"(5) gifted and talented students from economically disadvantaged families and areas, and students of limited-English proficiency are at greatest risk of being unrecognized and of not being provided adequate or appropriate educational services;*

*"(6) State and local educational agencies and private nonprofit schools often lack the necessary specialized resources to plan and implement effective programs for the early identification of gifted and talented students for the provision of educational services and programs appropriate to their special needs;*

*"(7) the Federal Government can best carry out the limited but essential role of stimulating research and development and personnel training and providing a national focal point of information and technical assistance that is necessary to ensure that the Nation's schools are able to meet the special educational needs of gifted and talented students, and thereby serve a profound national interest; and*

*"(8) the experience and knowledge gained in developing and implementing programs for gifted and talented students can and should be used as a basis to—*

*"(A) develop a rich and challenging curriculum for all students; and*

*"(B) provide all students with important and challenging subject matter to study and encourage the habits of hard work.*

*"(b) STATEMENT OF PURPOSE.—It is the purpose of this part—*

*"(1) to provide financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies and organizations, to initiate a coordinated program of research, demonstration projects, personnel training, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students;*

*"(2) to encourage the development of rich and challenging curricula for all students through*

*the appropriate application and adaptation of materials and instructional methods developed under this part; and*

*"(3) to supplement and make more effective the expenditure of State and local funds, for the education of gifted and talented students.*

**"SEC. 8403. DEFINITIONS; CONSTRUCTION.**

*"(a) DEFINITIONS.—For purposes of this part, the term 'gifted and talented students' means children and youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.*

*"(b) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.*

**"SEC. 8404. AUTHORIZED PROGRAMS.**

*"(a) ESTABLISHMENT OF PROGRAM.—*

*"(1) IN GENERAL.—From the sums appropriated under section 8407 in any fiscal year the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to or enter into contracts with State educational agencies, local educational agencies, institutions of higher education, or other public agencies and private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined by the Indian Self-Determination and Education Assistance Act) and Hawaiian native organizations) to assist such agencies, institutions, and organizations which submit applications in carrying out programs or projects authorized by this part that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.*

*"(2) CONTENTS.—Applications for funds under this part shall describe how—*

*"(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and*

*"(B) how the proposed programs can be evaluated.*

*"(b) USES OF FUNDS.—Programs and projects assisted under this section may include—*

*"(1) professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students;*

*"(2) establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education;*

*"(3) training of personnel and parents involved in gifted and talented programs with respect to the impact of gender role-socialization on the educational needs of gifted and talented children and in gender equitable education methods, techniques and practices;*

*"(4) implementing innovative strategies, such as cooperative learning, peer tutoring and service learning;*

*"(5) strengthening the capability of State educational agencies and institutions of higher education to provide leadership and assistance to local educational agencies and nonprofit private schools in the planning, operation, and improvement of programs for the identification and education of gifted and talented students and the appropriate use of gifted and talented programs and methods to serve all students;*

*"(6) programs of technical assistance and information dissemination, including how gifted and talented programs and methods, where appropriate, could be adapted for use by all students; and*

*"(7) carrying out—*

*"(A) research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and*

*"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purposes of this part.*

*"(c) ESTABLISHMENT OF NATIONAL CENTER.—*

*"(1) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies, for the purpose of carrying out activities described in paragraph (5) of subsection (b).*

*"(2) DIRECTOR.—Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with other institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.*

*"(d) LIMITATION.—Not more than $1,750,000 of the funds available in any fiscal year to carry out the programs and projects authorized by this section may be used to conduct activities pursuant to subsection (b)(5) or (c).*

*"(e) COORDINATION.—Research activities supported under this section—*

*"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the such office; and*

*"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.*

**"SEC. 8405. PROGRAM PRIORITIES.**

*"(a) GENERAL PRIORITY.—In the administration of this part the Secretary shall give highest priority—*

*"(1) to the identification of and the provision of services to gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited-English proficiency, and individuals with disabilities); and*

*"(2) to programs and projects designed to develop or improve the capability of schools in an entire State or region of the Nation, through cooperative efforts and participation of State and local educational agencies, institutions of higher education, and other public and private agencies and organizations (including business, industry, and labor), to plan, conduct, and improve programs for the identification of and the provision of services to gifted and talented students.*

*"(b) SERVICE PRIORITY.—In approving applications under section 8404(a), the Secretary shall assure that in each fiscal year at least one-half of the applications approved under such section address the priority described in subsection (a)(1).*

**"SEC. 8406. GENERAL PROVISIONS.**

*"(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.—In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs for serving such children.*

*"(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.*

*"(c) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary shall—*

*"(1) use a peer review process in reviewing applications under this part;*

*"(2) ensure that information on the activities and results of programs and projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including nonprofit private organizations; and*

*"(3) evaluate the effectiveness of programs under this part in accordance with section 10701, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than January 1, 1998.*

**"SEC. 8407. AUTHORIZATION OF APPROPRIATIONS.**

*"(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the provisions of this part.*

*"(b) SPECIAL RULE.—If the amount appropriated under subsection (a) for a fiscal year exceeds $20,000,000, 40 percent of such amount in excess of $20,000,000 shall be available for strategies and programs designed for the education of gifted and talented students that may be adapted and used to improve teaching and learning for all students in a school and to help all students in a school develop their talents, realize their potential, and meet challenging State content standards and challenging State student performance standards, while not diminishing the curriculum and instruction for students traditionally identified as gifted and talented.*

***"PART G—WOMEN'S EDUCATIONAL EQUITY***

**"SEC. 8451. SHORT TITLE; FINDINGS.**

*"(a) SHORT TITLE.—This part may be cited as the 'Women's Educational Equity Act of 1994'.*

*"(b) FINDINGS.—The Congress finds that—*

*"(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;*

*"(2) because of funding provided under the Women's Educational Equity Act, more curricula, training and other educational materials concerning educational equity for women and girls are available for national dissemination;*

*"(3) significant gender inequities still exist in teaching and learning practices, for example—*

*"(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;*

*"(B) girls may often receive significantly less attention from classroom teachers than boys, and girls of color have less interaction with teachers than all other girls;*

*"(C) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of*

*women and, in most cases, are not written by women or persons of color;*

*"(D) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, there are few women role models in the sciences, and women continue to be concentrated in low-paying, traditionally female jobs that do not require mathematics and science skills; and*

*"(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such population;*

*"(4) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should, to the extent feasible, also help schools and local communities implement and institutionalize gender equitable practices;*

*"(5) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and*

*"(6) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society cannot be achieved without educational equity for women and girls.*

***"SEC. 8452. STATEMENT OF PURPOSES.***

*"It is the purpose of this part—*

*"(1) to promote gender equity in education in the United States;*

*"(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and*

*"(3) to promote equity in education to women and girls who suffer multiple forms of discrimination based on sex, race, ethnic origin, limited-English proficiency, disability, or age.*

***"SEC. 8453. PROGRAM AUTHORIZED.***

*"The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, community groups, and individuals, to achieve the purposes of this part by providing support and technical assistance for—*

*"(1) the implementation of effective gender-equity policies and practices at all educational levels, including—*

*"(A) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;*

*"(B) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;*

*"(C) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;*

*"(D) school-to-work transition programs, other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented, and guidance and counseling activities;*

*"(E) enhancing educational and career opportunities for women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited-English proficiency, disability, socioeconomic status, or age;*

*"(F) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;*

*"(G) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls; and*

*"(H) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls; and*

*"(2) research and development, which shall be coordinated with the Office of Educational Research and Improvement's National Institute on the Education of At-Risk Students to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions and local communities gender-equitable, including—*

*"(A) research and development designed to advance gender equity, including the development of innovative strategies to improve teaching and learning practices;*

*"(B) the development of high quality and challenging assessment instruments that are nondiscriminatory;*

*"(C) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;*

*"(D) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;*

*"(E) the development of new dissemination and replication strategies;*

*"(F) updating high quality educational materials previously developed through awards made under this part; and*

*"(G) the implementation of nondiscriminatory tests of aptitude and achievement and alternative assessment instruments.*

***"SEC. 8454. APPLICATIONS.***

*"(a) APPLICATIONS.—A grant may be made, and a contract or cooperative agreement may be entered into, under this part only upon application to the Secretary, at such time, in such form, and containing or accompanied by such information as the Secretary may prescribe, such as—*

*"(1) setting forth policies and procedures that will ensure a comprehensive evaluation of the activities carried out under the project, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;*

*"(2) demonstrating how funds received under this part will be used to promote the attainment of one or more of the National Education Goals;*

*"(3) demonstrating how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;*

*"(4) describing how funds under this part will be used in a manner that is consistent with the School-to-Work Opportunities Act of 1994;*

*"(5) for applications for projects under section 8453(1), demonstrating how the applicant will foster partnerships and share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations, and other recipients of Federal educational funding which may include State literacy resource centers; and*

*"(6) for applications for projects under section 8453(1), demonstrating how parental involvement in the project will be encouraged.*

*"(b) SPECIAL RULE.—In approving applications under this part, the Secretary shall give special consideration to applications—*

*"(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act (as such part was in effect on October 1, 1988);*

*"(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and*

*"(3) for projects that will—*

*"(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;*

*"(B) draw on a variety of resources, including local educational agencies, community-based organizations, institutions of higher education, and private organizations;*

*"(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant has terminated; and*

*"(D) address issues of national significance that can be duplicated.*

*"(c) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted under this part.*

***"SEC. 8455. CRITERIA AND PRIORITIES.***

*"The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 8453 to ensure that available funds are used for programs that most effectively will achieve the purposes of this part.*

***"SEC. 8456. REPORT.***

*"The Secretary, by January 1, 1999, shall submit to the President and the Congress a report on the status of educational equity for girls and women in the Nation.*

***"SEC. 8457. EVALUATION AND DISSEMINATION.***

*"(a) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate in accordance with section 10701, and disseminate, materials and programs developed under this part and shall report to the Congress regarding such evaluation materials and programs by January 1, 1998.*

*"(b) USE OF PROGRAM FUNDS.—The Secretary is authorized to use funds appropriated under section 8458 to gather and disseminate information about emerging issues concerning gender equity and, if necessary, to convene meetings for this purpose.*

*"(c) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education and who shall serve as a focal point of national leadership and information on mechanisms to carry out the purpose of this part.*

***"SEC. 8458. AUTHORIZATION OF APPROPRIATIONS.***

*"For the purpose of carrying out this part, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than two-thirds of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 8453(1).*

## *"PART H—FUND FOR THE IMPROVEMENT OF EDUCATION*

***"SEC. 8501. FUND FOR THE IMPROVEMENT OF EDUCATION.***

*"(a) FUND AUTHORIZED.—From funds appropriated under subsection (d), the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content standards and challenging State student performance standards, and contribute to achievement of the National Education Goals. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.*

*"(b) USES OF FUNDS.—*

*"(1) IN GENERAL.—Funds provided under this section may be used for—*

*"(A) activities that will promote systemic education reform at the State and local levels, such as—*

"(i) developing and evaluating strategies for eliminating ability grouping practices and developing policies and programs that place all students on a college-preparatory path of study, particularly in academic fields such as mathematics, science, English, and social studies, including comprehensive inservice programs for teachers and counselors and academic enrichment programs that supplement regular courses for students;

"(ii) developing and evaluating programs that directly involve parents and family members in the academic progress of their children;

"(iii) developing and evaluating strategies for integrating instruction and assessment such that teachers and administrators can focus on what students should know and be able to do at particular grade levels, which instruction shall promote the synthesis of knowledge, encourage the development of problem-solving skills drawing on a vast range of disciplines, and promote the development of higher order thinking by all students;

"(iv) developing and evaluating strategies for supporting professional development for teachers across all disciplines and for guidance counselors and administrators, including inservice training that improves the skills of counselors and administrators in working with students from diverse populations;

"(v) research and development related to challenging State content standards and challenging State student performance standards for student learning; and

"(vi) the development and evaluation of model strategies for assessment of student learning, professional development for teachers and administrators, parent and community involvement, and other aspects of systemic reform;

"(B) demonstrations at the State and local levels that are designed to yield nationally significant results, including approaches to public school choice and school based decisionmaking;

"(C) joint activities with other Federal agencies, such as the National Science Foundation, the Department of Health and Human Services, and the Department of Labor, and with institutions of higher education, to assist the effort to achieve the National Education Goals, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of education and health and social services;

"(D) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

"(E) activities to promote and evaluate coordinated pupil services programs;

"(F) activities to promote comprehensive health education;

"(G) activities to promote environmental education;

"(H) activities to promote programs to assist students to demonstrate competence in foreign languages;

"(I) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

"(J) activities to promote metric education;

"(K) activities to promote consumer education, such as saving, investing, and entrepreneurial education;

"(L) activities to promote experiential-based learning, such as service-learning;

"(M) activities to promote scholar-athlete competitions;

"(N) activities to promote child abuse education and prevention programs;

"(O) activities to raise standards and expectations for academic achievement among all students, especially disadvantaged students traditionally underserved in schools;

"(P) activities to provide the academic support, enrichment and motivation to enable all students to reach such standards;

"(Q) programs designed to promote gender equity in education by evaluating and eliminating gender bias in instruction and educational materials, identifying and analyzing gender inequities in educational practices, and implementing and evaluating educational policies and practices designed to achieve gender equity; and

"(R) other programs and projects that meet the purposes of this section.

"(2) ADDITIONAL USES.—The Secretary may also use funds provided under this section to complete the project periods for direct grants or contracts awarded under the provisions of the Elementary and Secondary Education Act of 1965, part B of title III of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, or title III of the Education for Economic Security Act, as such Acts were in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

"(c) AWARDS.—

"(1) IN GENERAL.—The Secretary may—

"(A) make awards under this section on the basis of competitions announced by the Secretary; and

"(B) support meritorious unsolicited proposals.

"(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that their effectiveness is readily ascertainable.

"(3) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for grants under this section and may use funds appropriated under subsection (d) for the cost of such peer review.

"(d) AUTHORIZATION.—For the purpose of carrying out this section, there are authorized to be appropriated $35,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

## "PART I—BLUE RIBBON SCHOOLS

### "SEC. 8551. BLUE RIBBON SCHOOLS PROGRAM.

"(a) GENERAL AUTHORITY.—Subject to subsection (d), the Secretary is authorized to carry out programs to recognize elementary and secondary schools or programs which have established standards of excellence and which have demonstrated a high level of quality. Such programs shall be designated as 'Blue Ribbon Schools'. In selecting schools and programs to be recognized, the Secretary shall competitively select public and private schools or programs within local educational agencies in the States, schools operated for Indian children by the Department of the Interior, and schools operated by the Department of Defense for dependents of Department of Defense personnel.

"(b) SELECTION PROCESS.—

"(1) IN GENERAL.—The Secretary shall designate, each fiscal year, several categories for a Blue Ribbon Schools program. Such categories may include, but shall not be limited to, outstanding elementary schools, outstanding secondary schools, outstanding mathematics and science programs, or outstanding reading programs.

"(2) SELECTION.—Within each category, the Secretary shall determine the criteria and procedures for selection. Selection for such awards shall be based solely on merit. Schools or programs selected for awards under this section shall not be required to be representative of the States.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) CONSULTATION.—The Secretary shall carry out the provisions of this section including the establishment of the selection procedures, after consultation with appropriate outside parties.

"(2) APPLICATION.—No award may be made under this section unless the local educational agency submits an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may reasonably require.

"(3) DEFINITION.—For the purposes of this section, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(d) BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.—The Secretary, through nominations provided by the Office on Correctional Education after consultation with representatives of correctional education organizations and others active in literacy education, shall annually make one or more awards under this section to effective and innovative programs for inmate education and literacy.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section.

## "PART J—NATIONAL STUDENT AND PARENT MOCK ELECTION

### "SEC. 8601. NATIONAL STUDENT AND PARENT MOCK ELECTION.

"(a) IN GENERAL.—The Secretary is authorized to award grants in every election year to national nonprofit, nonpartisan organizations that work to promote voter participation in American elections to enable such organizations to carry out voter education activities for students and their parents. Such activities shall—

"(1) be limited to simulated national elections that permit participation by students and parents from all 50 States in the United States; and

"(2) consist of—

"(A) school forums and local cable call-in shows on the national issues to be voted upon in an 'issue forum';

"(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

"(C) quiz team competitions, mock press conferences and speechwriting competitions;

"(D) weekly meetings to follow the course of the campaign; or

"(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

"(b) REQUIREMENT.—Each organization receiving a grant under this section shall present awards to outstanding student and parent mock election projects.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $125,000 for each of the fiscal years 1995 through 1999 to carry out this section.

## "PART K—ELEMENTARY SCHOOL COUNSELING DEMONSTRATION

### "SEC. 8651. SHORT TITLE.

"This part may be cited as the 'Elementary School Counseling Demonstration Act'.

### "SEC. 8652. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) elementary school children are being subjected to unprecedented social stresses, including fragmentation of the family, drug and alcohol abuse, child abuse, poverty, and violence, and experts indicate that intervention at an early age is the most beneficial;

"(2) an increasing number of elementary school children are exhibiting symptoms of distress, such as substance abuse, emotional disorders, academic underachievement, disruptive behavior, juvenile delinquency, and suicide;

"(3) elementary school counselors, school psychologists and school social workers can contribute to the personal growth, educational development, and emotional well-being of elementary school children by providing professional counseling, intervention, and referral services;

"(4) the average ratio of elementary school counselors to students is 1 to 1,000, the average

*ratio of school psychologists to students is 1 to 2,500, and the average ratio of school social workers to students is 1 to 2,500;*

*"(5) when there is 1 counselor to 1,000 students, 1 school psychologist to 2,500 students, and 1 school social worker to 2,500 students, elementary school counseling programs are seldom adequate;*

*"(6) the Federal Government can help reduce the risk of academic, social, and emotional problems among elementary school children by stimulating the development of model elementary school counseling programs; and*

*"(7) the Federal Government can help reduce the risk of future unemployment and assist the school-to-work transition by stimulating the development of model elementary school counseling programs.*

*"(b) PURPOSE.—It is the purpose of this part to enhance the availability and quality of counseling services for elementary school children by providing grants to local educational agencies to enable such agencies to establish effective and innovative elementary school counseling programs that can serve as national models.*

***"SEC. 8653. 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 4 succeeding fiscal years, to carry out this part.*

***"SEC. 8654. PROGRAM AUTHORITY.***

*"(a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 8653 in any fiscal year, the Secretary shall make grants to local educational agencies having applications approved under section 8655 to initiate or expand school counseling programs for elementary school children.*

*"(b) PRIORITY.—In awarding grants under this part, the Secretary shall give special consideration to applications describing programs that—*

*"(1) demonstrate the greatest need for new or additional counseling services among the children in the elementary schools served by the applicant;*

*"(2) propose the most promising and innovative approaches for initiating or expanding elementary school counseling; and*

*"(3) show the greatest potential for replication and dissemination.*

*"(c) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.*

*"(d) DURATION.—A grant under this part shall be awarded for a period not to exceed 3 years.*

*"(e) MAXIMUM GRANT.—A grant under this part shall not exceed $400,000 for any fiscal year.*

***"SEC. 8655. APPLICATIONS.***

*"(a) IN GENERAL.—Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.*

*"(b) NOTIFICATION OF STATE EDUCATIONAL AGENCY.—Before submitting an application to the Secretary in accordance with subsection (a), a local educational agency shall provide the State educational agency with an opportunity to review and comment on the program described in such application. The comments of the State educational agency shall be appended to the application upon submission of the application to the Secretary.*

*"(c) CONTENTS.—Each application for a grant under this part shall—*

*"(1) describe the elementary school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;*

*"(2) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in paragraph (1);*

*"(3) describe the methods to be used to evaluate the outcomes and effectiveness of the program;*

*"(4) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;*

*"(5) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of elementary school counselors, school psychologists, and school social workers;*

*"(6) document that the applicant has the personnel qualified to develop, implement, and administer the program;*

*"(7) describe how any diverse cultural populations, if applicable, would be served through the program;*

*"(8) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and*

*"(9) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.*

***"SEC. 8656. USE OF FUNDS.***

*"(a) IN GENERAL.—Grant funds under this part shall be used to initiate or expand elementary school counseling programs that comply with the requirements in subsection (b).*

*"(b) PROGRAM REQUIREMENTS.—Each program assisted under this part shall—*

*"(1) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;*

*"(2) use a developmental, preventive approach to counseling;*

*"(3) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;*

*"(4) expand counseling services only through qualified school counselors, school psychologists, and school social workers;*

*"(5) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, academic and career planning, or to improve social functioning;*

*"(6) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;*

*"(7) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;*

*"(8) involve parents of participating students in the design, implementation, and evaluation of a counseling program;*

*"(9) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and*

*"(10) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this part.*

*"(c) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this section at the end of each grant period in accordance with section 10701, but in no case later than January 30, 1998.*

*"(d) DISSEMINATION.—The Secretary shall make the programs assisted under this part available for dissemination, either through the National Diffusion Network or other appropriate means.*

*"(e) LIMIT ON ADMINISTRATION.—Not more than 5 percent of the amounts appropriated pursuant to the authority of section 8653 in any fiscal year shall be used to carry out the provisions of this section.*

***"SEC. 8657. DEFINITIONS.***

*"For purposes of this part—*

*"(1) the term 'comprehensive' means, with respect to counseling services, a program in which—*

*"(A) a school counselor, school psychologist, or school social worker uses a range of individual and group techniques and resources in a planned way to meet the personal, social, emotional, educational, and career development needs of all elementary children in a school; and*

*"(B) a school counselor, school psychologist, or school social worker works directly with children, families, teachers, and other school or agency personnel to create an optimal positive learning environment and personal growth opportunities for all children;*

*"(2) the term 'developmental' means, with respect to a school counseling program, a systematically planned program that—*

*"(A) provides appropriate school counseling interventions to foster the social, emotional, physical, moral, and cognitive growth of elementary school children;*

*"(B) provides intervention services to help children cope with family, social, emotional, and academic problems; and*

*"(C) supports and enhances the efforts of families, teachers, and other school personnel to provide children maximum opportunity to acquire competence and skill in self-understanding and appreciation, interpersonal interaction, and educational achievement and literacy;*

*"(3) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—*

*"(A) possesses State licensure or certification granted by an independent professional regulatory authority;*

*"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or*

*"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;*

*"(4) the term 'school psychologist' means an individual who—*

*"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting; and*

*"(B) possess State licensure or certification in the State in which the individual works; or*

*"(C) in the absence of such State licensure or certification, possess national certification by the National School Psychology Certification Board;*

*"(5) the term 'school social worker' means an individual who holds a master's degree in social*

*work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and*

*"(6) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.*

***"PART L—21ST CENTURY COMMUNITY LEARNING CENTERS***

***"SEC. 8701. SHORT TITLE.***

*"This part may be cited as the '21st Century Community Learning Centers Act'.*

***"SEC. 8702. FINDINGS.***

*"The Congress finds that—*

*"(1) a local public school often serves as a center for the delivery of education and human services for all members of a community;*

*"(2) public schools, primarily in rural and inner city communities, should collaborate with other public and nonprofit agencies and organizations, local businesses, educational entities (such as vocational and adult education programs, school-to-work programs, community colleges, and universities), recreational, cultural, and other community and human service entities, for the purpose of meeting the needs of, and expanding the opportunities available to, the residents of the communities served by such schools;*

*"(3) by using school facilities, equipment, and resources, communities can promote a more efficient use of public education facilities, especially in rural and inner city areas where limited financial resources have enhanced the necessity for local public schools to become social service centers;*

*"(4) the high technology, global economy of the 21st century will require lifelong learning to keep America's workforce competitive and successful, and local public schools should provide centers for lifelong learning and educational opportunities for individuals of all ages; and*

*"(5) community schools enable the entire communities to develop an education strategy that addresses the educational needs of all members of local communities.*

***"SEC. 8703. PROGRAM AUTHORIZATION.***

*"(a) GRANTS BY THE SECRETARY.—The Secretary is authorized, in accordance with the provisions of this part, to award grants to rural and inner-city public elementary or secondary schools, or consortia thereof, to enable such schools or consortia to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.*

*"(b) AMOUNT.—The Secretary shall not award a grant under this part in any fiscal year in an amount less than $20,000.*

*"(c) GRANT PERIOD.—The Secretary shall award grants under this part for a period not to exceed 3 years.*

*"(d) EQUITABLE DISTRIBUTION.—In awarding grants under this part, the Secretary shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.*

***"SEC. 8704. APPLICATION REQUIRED.***

*"(a) APPLICATION.—To be eligible to receive a grant under this part, an elementary or secondary school or consortium shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably prescribe. Each such application shall include—*

*"(1) a comprehensive local plan that enables such school or consortium to serve as a center for the delivery of education and human services for members of a community;*

*"(2) an evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs; and*

*"(3) a description of the proposed project, including—*

*"(A) a description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;*

*"(B) identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized;*

*"(C) a description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, businesses, or other appropriate organizations;*

*"(D) a description of how the school or consortium will act as a delivery center for existing and new services; and*

*"(E) an assurance that the school or consortium will establish a facility utilization policy that specifically states—*

*"(i) the rules and regulations applicable to building and equipment use; and*

*"(ii) supervision guidelines.*

*"(b) PRIORITY.—The Secretary shall give priority to applications describing projects that offer a broad selection of services.*

***"SEC. 8705. USES OF FUNDS.***

*"Grants awarded under this part may be used to plan, implement, or expand community learning centers which include not less than 4 of the following activities:*

*"(1) Literacy education programs.*

*"(2) Senior citizen programs.*

*"(3) Children's day care services.*

*"(4) Integrated education, health, social service, recreational, or cultural programs.*

*"(5) Summer and weekend school programs that are coordinated with summer recreation programs.*

*"(6) Nutrition programs.*

*"(7) Expanded library service hours to serve community needs.*

*"(8) Telecommunications and technology education programs for individuals of all ages.*

*"(9) Parenting skills education programs.*

*"(10) Support and training for child day care providers.*

*"(11) Employment counseling, training, and placement.*

*"(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.*

*"(13) Services for individuals who are either physically or mentally challenged.*

***"SEC. 8706. DEFINITIONS.***

*"For the purpose of this part, the term 'community learning center' means an entity within a public elementary or secondary school building that—*

*"(1) provides educational, recreational, health, and social service programs for residents of all ages within a local community; and*

*"(2) is operated by a local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, community colleges, and cultural, recreational, and other community and human service entities.*

***"SEC. 8707. AUTHORIZATION OF APPROPRIATIONS.***

*"There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.*

***"PART M—MODEL PROJECTS***

***"SEC. 8751. MODEL PROJECTS.***

*"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to cultural institutions to enable such institutions to develop and expand model projects of outreach activities for at-risk children in the communities served by such institutions, including activities which integrate such institution's cultural programming with other disciplines, including environmental, mathematics, and science programs.*

*"(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to activities that are part of an overall State, local, and private commitment, seek to improve learning for at-risk youth, and are substantially funded by State, local, or private funds.*

*"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.*

***"PART N—EXTENDING TIME FOR LEARNING***

***"SEC. 8801. FINDINGS.***

*"The Congress finds that—*

*"(1) the Commission on Time and Learning has found that—*

*"(A) realizing the third National Education Goal, that states all students will leave grades four, eight and twelve having demonstrated competency in challenging subject matter, including English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography, will require considerably more common core learning time than most students now receive;*

*"(B) ensuring that all students learn to high standards will require flexibility and innovation in the use of common core learning time, as well as the rest of the time students spend both during and beyond the school day;*

*"(C) teachers need regular, sustained time for lesson development, collegial collaboration and other professional development; and*

*"(D) schools, businesses, community-based organizations, tribal leaders, and other community agencies and members should work together to foster effective learning and enrichment programs and activities for students, including programs that operate outside of the regular school day or year;*

*"(2) increasing the amount and duration of intensive, engaging and challenging learning activities geared to high standards can increase student motivation and achievement;*

*"(3) the benefits of extending learning time, including common core instructional time, can be maximized by concurrent changes in curriculum and instruction, such as accelerated learning, and engaging, interactive instruction based on challenging content; and*

*"(4) maximizing the benefit of increased common core and other learning time will require the collaboration and cooperation of teachers and administrators, students, parents, community members and organizations, businesses and others to develop strategies to meet the needs of students during and beyond the school day and year.*

***"SEC. 8802. PURPOSE.***

*"It is the purpose of this part to provide seed money to schools and local educational agencies to enable such agencies to devise and implement strategies and methods for upgrading the quality of, and extending, challenging, engaging learning time geared to high standards for all students.*

***"SEC. 8803. PROGRAM AUTHORIZED.***

*"(a) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies having applications approved under section 8804 to enable such agencies to carry out the authorized activities described in section 8805 in public elementary and secondary schools.*

*"(b) AMOUNT.—Each grant under subsection (a) shall be awarded in an amount not more than $100,000.*

*"(c) DURATION.—Each grant under subsection (a) shall be awarded for a period of not more than 3 years.*

**"SEC. 8804. APPLICATION.**

"Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) the activities for which assistance is sought;

"(2) any study or other information-gathering project for which funds will be used;

"(3) strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize the percentage of common core learning time in the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

"(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productiveness of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

"(5) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this part;

"(6) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assisted under this part;

"(7) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

"(8) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(9) the goals and objectives of the activities assisted under this part, including a description of how such activities will assist all students to reach State standards;

"(10) the methods by which the applicant will assess progress in meeting such goals and objectives; and

"(11) how the applicant will use funds provided under this part in coordination with other funds provided under this Act or other Federal laws.

**"SEC. 8805. AUTHORIZED ACTIVITIES.**

"Funds under this part may be used—

"(1) to study the feasibility of, and effective methods for, extending learning time within or beyond the school day or year, including consultation with other schools or local educational agencies that have designed or implemented extended learning time programs;

"(2) to conduct outreach to and consult with community members, including parents, students, and other stakeholders, such as tribal leaders, to develop a plan to extend learning time within or beyond the school day or year;

"(3) to develop and implement an outreach strategy that will encourage collaboration with public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to coordinate challenging, high-quality educational activities outside of the school day or year;

"(4) to research, develop and implement strategies, including changes in curriculum and instruction, for maximizing the quality and percentage of common core learning time in the school day and extending learning time during or beyond the school day or year;

"(5) to provide professional development for school staff in innovative teaching methods that challenge and engage students, and also increase the productivity of extended learning time; and

"(6) to develop strategies to include parents, business representatives, and other community members in the extended time activities, especially as facilitators of activities that enable teachers to have more time for planning, individual student assistance, and professional development activities.

**"SEC. 8806. ADMINISTRATION.**

"(a) PEER REVIEW.—The Secretary shall award grants under this part pursuant to a peer review process.

"(b) DIVERSITY.—In awarding grants under this part the Secretary shall ensure that such grants are awarded to a diversity of local educational agencies, including such agencies that serve rural and urban areas.

"(c) PRIORITY.—The Secretary shall give priority to awarding grants under this part to local educational agencies that serve schools with high percentages of students in poverty.

**"SEC. 8807. DEFINITIONS.**

"For the purpose of this part the term 'common core learning time' means high-quality, engaging instruction in challenging content in each of the following core academic subjects described in the third National Education Goal:

"(1) English.

"(2) Mathematics.

"(3) Science.

"(4) Foreign languages.

"(5) Civics and government.

"(6) Economics.

"(7) Arts.

"(8) History.

"(9) Geography.

**"SEC. 8808. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.

**"PART O—CREATING SMALLER LEARNING COMMUNITIES**

**"SEC. 8851. FINDINGS.**

"The Congress finds that—

"(1) smaller school communities can have a significant, positive impact on student achievement, including grade promotion, school attendance and motivation;

"(2) large schools can benefit from reorganization into smaller learning communities, such as schools-within-schools; and

"(3) smaller learning communities can provide students with a variety of educational options based on various themes, while providing all students engaging, innovative instruction in challenging curricula that will enable such communities to meet State standards.

**"SEC. 8852. PURPOSE.**

"It is the purpose of this part to improve the quality and effectiveness of teaching and learning by encouraging and supporting school and school district efforts to create smaller schools, including those that exist as schools-within-schools.

**"SEC. 8853. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—The Secretary is authorized to award grants to local educational agencies having applications approved under section 8854 to enable such agencies to carry out the authorized activities described in section 8855 in public elementary and secondary schools.

"(b) AMOUNT.—Each grant under subsection (a) shall be awarded in an amount not more than $100,000.

"(c) DURATION.—Each grant under subsection (a) shall be awarded for a period of not more than 3 years.

**"SEC. 8854. APPLICATION.**

"Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) strategies and methods the applicant will use to create the smaller learning community or communities;

"(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

"(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community or communities;

"(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community or communities;

"(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities;

"(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(7) the goals and objectives of the activities assisted under this part, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

"(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

"(9) if the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

"(10) a description of the administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities, including the continuity of student and teacher assignment to a particular learning community;

"(11) how the applicant will coordinate or use funds provided under this part with other funds provided under this Act or other Federal laws;

"(12) grade levels or ages of students who will participate in the smaller learning community or communities; and

"(13) the method of placing students in the smaller learning community or communities, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

**"SEC. 8855. AUTHORIZED ACTIVITIES.**

"Funds under this part may be used—

"(1) to study the feasibility of creating the smaller learning community or communities as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities;

"(2) to research, develop and implement strategies for creating the smaller learning community or communities, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

"(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students to be used in the smaller learning community or communities; and

"(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators

*of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.*

**"SEC. 8856. ADMINISTRATION.**

*"(a) PEER REVIEW.—The Secretary shall award grants under this part pursuant to a peer review process.*

*"(b) DIVERSITY.—In awarding grants under this part the Secretary shall ensure that such grants are awarded to a diversity of local educational agencies, including such agencies that serve rural and urban areas.*

*"(c) PRIORITY.—The Secretary shall give priority to awarding grants under this part to local educational agencies that serve schools with high percentages of students in poverty.*

*"(d) SPECIAL RULE.—In awarding grants under this part, the Secretary shall ensure that such grants are awarded for authorized activities described in section 8855 that serve a diversity of grade spans.*

**"SEC. 8857. AUTHORIZATION OF APPROPRIATIONS.**

*"There are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this part.*

**"TITLE IX—SPECIAL PROGRAMS**

**"PART A—IMPACT AID**

**"SEC. 9001. FINDINGS.**

*"The Congress finds that—*

*"(1) certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out; and*

*"(2) it is the shared responsibility of the Federal Government, the States, and local educational agencies to provide for the education of children connected to those activities.*

**"SEC. 9002. PURPOSE.**

*"In order to fulfill the Federal responsibility to assist with the provision of educational services to federally connected children, and to help such children meet challenging State standards, it is the purpose of this title to provide financial assistance to local educational agencies that—*

*"(1) experience a substantial and continuing financial burden due to the acquisition of real property by the United States;*

*"(2) educate children who reside on Federal property and whose parents are employed on Federal property;*

*"(3) educate children of parents who are in the military services and children who live in low-rent housing;*

*"(4) experience sudden and substantial increases or decreases in enrollments because of military realignments; or*

*"(5) need special assistance with capital expenditures for construction activities because of the enrollments of substantial numbers of children who reside on Indian lands.*

**"SEC. 9003. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.**

*"(a) IN GENERAL.—Where the Secretary, after consultation with any local educational agency and with the appropriate State educational agency, determines for a fiscal year ending prior to October 1, 1999—*

*"(1) that the United States owns Federal property in the local educational agency, and that such property—*

*"(A) has been acquired by the United States since 1938;*

*"(B) was not acquired by exchange for other Federal property in the local educational agency which the United States owned before 1939; and*

*"(C) had an assessed value (determined as of the time or times when so acquired) aggregating 10 percent or more of the assessed value of—*

*"(i) all real property in the local educational agency (similarly determined as of the time or times when such Federal property was so acquired); or*

*"(ii) all real property in the local educational agency as assessed in the first year preceding or the year succeeding acquisition, whichever is greater, only if—*

*"(I) the assessment of all real property in the local educational agency is not made at the same time or times that such Federal property was so acquired and assessed; and*

*"(II) State law requires an assessment be made of property so acquired; and*

*"(2) that such agency is not being substantially compensated for the loss in revenue resulting from such ownership by increases in revenue accruing to the agency from the conduct of Federal activities with respect to such Federal property,*

*then the local educational agency shall be eligible to receive for such fiscal year such amount as, in the judgment of the Secretary, is equal to the continuing Federal responsibility for the additional financial burden with respect to current expenditures placed on such agency by such acquisition of property.*

*"(b) AMOUNT.—*

*"(1) IN GENERAL.—(A) The amount that a local educational agency shall be paid under subsection (a) for a fiscal year shall be calculated in accordance with paragraph (2), except that such amount shall be reduced by the Secretary by an amount equal to the amount of revenue, if any, that such agency received from activities conducted on such property during the previous fiscal year.*

*"(B) If funds appropriated under section 9015(a) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each eligible local educational agency. In making such a ratable reduction for a local educational agency, the Secretary shall not take into consideration any revenue described in subparagraph (A), except that no local educational agency shall be paid an amount in excess of the amount calculated for such agency under paragraph (2).*

*"(C) Notwithstanding any other provision of this subsection, a local educational agency may not be paid an amount under this section that when added to the amount such agency receives under section 9004(b)(2) exceeds the maximum amount that such agency is eligible to receive for such fiscal year under section 9004(b)(1)(C).*

*"(2) APPLICATION OF CURRENT LEVIED REAL PROPERTY TAX RATE.—In making a determination of the amount that would have been derived in such year under paragraph (1)(A), the Secretary shall apply the current levied real property tax rate for current expenditures levied by fiscally independent local educational agencies or imputed, for fiscally dependent local educational agencies, to the current annually determined aggregate assessed value of such acquired Federal property.*

*"(3) DETERMINATION OF AGGREGATE ASSESSED VALUE.—Such aggregate assessed value of such acquired Federal property shall be determined (on the basis of the highest and best use of property adjacent to such acquired Federal property as of the time such value is determined), and provided to the Secretary, by the local official responsible for assessing the value of real property located in the jurisdiction of such local educational agency for the purpose of levying a property tax.*

*"(c) APPLICABILITY TO TENNESSEE VALLEY AUTHORITY ACT.—For the purposes of this section, any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933 shall not be regarded as Federal property.*

*"(d) OWNERSHIP BY UNITED STATES.—The United States shall be deemed to own Federal property for the purposes of this Act, where—*

*"(1) prior to the transfer of Federal property, the United States owned Federal property meeting the requirements of subparagraphs (A), (B), and (C) of subsection (a)(1); and*

*"(2) the United States transfers a portion of the property referred to in paragraph (1) to another nontaxable entity, and the United States—*

*"(A) restricts some or any construction on such property;*

*"(B) requires that the property be used in perpetuity for the public purposes for which the property was conveyed;*

*"(C) requires the grantee of the property to report to the Federal Government (or its agent) regarding information on the use of the property;*

*"(D) except with the approval of the Federal Government (or its agent), prohibits the sale, lease, assignment, or other disposal of the property unless such sale, lease, assignment, or other disposal is to another eligible government agency; and*

*"(E) reserves to the Federal Government a right of reversion at any time the Federal Government (or its agent) deems it necessary for the national defense.*

*"(e) DISTRICT CONTAINING FOREST SERVICE LAND AND SERVING CERTAIN COUNTIES.—Beginning with fiscal year 1995, a school district shall be deemed to meet the requirements of subsection (a)(1)(C) if such school district meets the following requirements:*

*"(1) The school district contains between 20,000 and 60,000 acres of land that has been acquired by the Forest Service of the Department of Agriculture between 1915 and 1990, as demonstrated by written evidence from the Forest Service satisfactory to the Secretary.*

*"(2) The school district serves a county certified by State law in 1875 or 1890.*

**"SEC. 9004. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.**

*"(a) COMPUTATION OF PAYMENT.—*

*"(1) IN GENERAL.—For the purpose of computing the amount that a local educational agency is eligible to receive under subsection (b), (d), or (f) for any fiscal year, the Secretary shall determine the number of children who were in average daily attendance in the schools of such agency, and for whom such agency provided free public education, during the preceding school year and who, while in attendance at such schools—*

*"(A)(i) resided on Federal property with a parent employed on Federal property situated in whole or in part within the boundaries of the school district of such agency; or*

*"(ii) resided on Federal property with a parent who is an official of, and accredited by, a foreign government;*

*"(B) resided on Federal property and had a parent on active duty in the uniformed services (as defined in section 101 of title 37, United States Code);*

*"(C) resided on Indian lands;*

*"(D)(i) had a parent on active duty in the uniformed services (as defined by section 101 of title 37, United States Code) but did not reside on Federal property; or*

*"(ii) had a parent who is an official of, and has been accredited by, a foreign government but did not reside on Federal property;*

*"(E) resided in low-rent housing;*

*"(F) resided on Federal property and is not described in subparagraph (A) or (B); or*

*"(G) resided with a parent employed on Federal property situated—*

*"(i) in whole or in part in the county in which the school district of such agency is located, or in whole or in part in the school district of such agency if the school district is located in more than one county; or*

*"(ii) if not in such county or district, in whole or in part in the same State as the school district of such agency.*

"(2) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the basic support payment under subsection (b), the Secretary shall calculate the total number of weighted student units for a local educational agency by adding together the results obtained by the following computations:

"(A) Multiply the number of children described in subparagraphs (A) and (B) of paragraph (1) by a factor of 1.0.

"(B) Multiply the number of children described in paragraph (1)(C) by a factor of 1.25.

"(C) Multiply the number of children described in subparagraphs (D) and (E) of paragraph (1) by a factor of .10.

"(D) Multiply the number of children described in subparagraphs (F) and (G) of paragraph (1) by a factor of .05.

"(b) BASIC SUPPORT PAYMENTS AND PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(1) BASIC SUPPORT PAYMENTS.—

"(A) IN GENERAL.—From the amount appropriated under section 9015(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible local educational agencies with children described under subsection (a).

"(B) ELIGIBILITY.—A local educational agency shall be eligible to receive a basic support payment under subparagraph (A) for a fiscal year with respect to a number of children determined under subsection (a) only if the number of children so determined with respect to such agency amounts to the lesser of—

"(i) at least 400 such children; or

"(ii) a number of such children which equals at least 3 percent of the total number of children who were in average daily attendance, during such year, at the schools of such agency and for whom such agency provided free public education.

"(C) MAXIMUM AMOUNT.—The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2), multiplied by the greater of—

"(i) one-half of the average per pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made;

"(ii) one-half of the average per pupil expenditures of all of the States for the third fiscal year preceding the fiscal year for which the determination is made;

"(iii) the comparable local contribution rate certified by the State, as determined under regulations prescribed to carry out the Act of September 30, 1950 (Public Law 874, 81st Congress), as such regulations were in effect on January 1, 1994; or

"(iv) the average per pupil expenditure of the State in which the local educational agency is located, multiplied by the local contribution percentage.

"(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—

"(A) IN GENERAL.—For any fiscal year in which the sums appropriated under section 9015(b) are insufficient to pay to each local educational agency the full amount computed under paragraph (1), the Secretary shall make payments in accordance with this paragraph.

"(B) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—(i) For fiscal years described in subparagraph (A), the Secretary shall compute a learning opportunity threshold payment (hereafter in this title referred to as the 'threshold payment') by multiplying the amount obtained under paragraph (1)(C) by the total percentage obtained by adding—

"(I) the percentage of federally connected children for each local educational agency determined by calculating the fraction, the numerator of which is the total number of children described under subsection (a)(1) and the denominator of which is the total number of children in average daily attendance at the schools served by such agency; and

"(II) the percentage that funds under paragraph (1)(C) represent of the total budget of the local educational agency, determined by calculating the fraction, the numerator of which is the total amount of funds calculated for each local educational agency under this subsection (not including amounts received under subsection (f)), and the denominator of which is the total current expenditures for such agency in the second preceding academic year for which the determination is made.

"(ii) Such total percentage used to calculate threshold payments under paragraph (1) shall not exceed 100.

"(iii) For the purpose of determining the percentages described in subclauses (I) and (II) of clause (i) that are applicable to the local educational agency providing free public education to students in grades 9 through 12 residing on Hanscom Air Force Base, Massachusetts, the Secretary shall consider only that portion of such agency's total enrollment of students in grades 9 through 12 when calculating the percentage under such subclause (I) and only that portion of the total current expenditures attributed to the operation of grades 9 through 12 in such agency when calculating the percentage under subclause (II).

"(C) RATABLE DISTRIBUTION.—For fiscal years described in subparagraph (A), the Secretary shall make payments as a ratable distribution based upon the computation made under subparagraph (B).

"(c) PRIOR YEAR DATA.—All calculations under this section shall be based upon data for each local educational agency from the fiscal year preceding the fiscal year for which the agency is making application for payment.

"(d) CHILDREN WITH DISABILITIES.—

"(1) IN GENERAL.—From the amount appropriated under section 9015(c) for a fiscal year, the Secretary shall pay to each eligible local educational agency, on a pro rata basis, the amounts determined by—

"(A) multiplying the number of children described in subparagraphs (B) and (C) of subsection (a)(1) who are eligible to receive services under the Individuals with Disabilities Education Act by a factor of 1.0; and

"(B) multiplying the number of children described in subparagraph (D) of subsection (a)(1) who are eligible to receive services under such Act by a factor of 0.5.

"(2) USE OF FUNDS.—A local educational agency that receives funds under paragraph (1) shall use such funds to provide a free appropriate public education to children described in paragraph (1) in accordance with the Individuals with Disabilities Education Act.

"(e) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), the total amount that the Secretary shall pay a local educational agency under subsection (b) shall not be less than 90 percent of the amount such agency received—

"(A) in the case of fiscal year 1995 only, under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal year 1994; or

"(B) in the case of fiscal years 1996, 1997, 1998, or 1999, under such subsection (b).

"(2) TWO-YEAR APPLICABILITY.—The provisions of paragraph (1) shall apply to any one local educational agency for a maximum of two consecutive fiscal years.

"(3) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1), the Secretary first shall ratably reduce payments under subsection (b) to local educational agencies that do not receive a payment under this subsection.

"(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(B)(i) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, the Secretary shall ratably reduce payments to all such agencies for such year.

"(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(f) ADDITIONAL ASSISTANCE FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

"(1) RESERVATION.—From amounts appropriated under section 9015(b) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—(A) A local educational agency shall be eligible to receive additional assistance under this subsection only if such agency—

"(i)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 40 percent of the total student enrollment of such agency; and

"(II) has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State;

"(ii)(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes at least 35 percent of the total student enrollment of such agency; and

"(II) has a tax rate for general fund purposes which is at least 125 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(iii) is a local educational agency whose boundaries are the same as a Federal military installation or includes Federal property under exclusive Federal jurisdiction.

"(B) If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subsection (b)(1)(C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency by such an amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per-pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.

"(C) Any local educational agency determined eligible under clause (iii) of subparagraph (A) shall be deemed to have met the tax efforts requirements for eligibility under clause (i)(II) or (ii)(II) of such subparagraph.

"(D) Any local educational agency having an enrollment of more than 6,500 students described

*in subparagraph (A) or (B) of subsection (a)(1) and meeting the requirements of subclause (I) and (II) of subparagraph (A)(i), may use either their average general tax rate or total tax rate in determining eligibility under this paragraph.*

*"(3) MAXIMUM PAYMENTS.—*

*"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the maximum amount that a local educational agency may receive under this subsection in accordance with the following computations:*

*"(i) The Secretary shall first determine the greater of—*

*"(I) the average per pupil expenditure of the State in which the local educational agency is located;*

*"(II) the average per pupil expenditure of generally comparable school districts located in the State of the local educational agency, as defined in regulations issued by the Secretary; or*

*"(III) the average per pupil expenditure of three generally comparable school districts located in the State of the local educational agency, as defined in regulations issued by the Secretary.*

*"(ii) The Secretary shall next subtract from the amount determined under clause (i) the total amount of general fund revenues received by the local educational agency from any general fund source per pupil, other than revenues provided under this subsection.*

*"(iii) The Secretary shall next multiply the amount determined under clause (ii) by the total number of students in average daily attendance of the local educational agency.*

*"(iv) If the tax rate used by the local educational agency is greater than 95 percent, but less than 100 percent, of the tax rate of comparable school districts, the Secretary shall next multiply the amount determined under clause (iii) by the percentage that the tax rate of the local educational agency is of—*

*"(I) the average tax rate of its generally comparable school districts; or*

*"(II) the average tax rate of all the school districts in the State in which the local educational agency is located.*

*"(v) The Secretary shall next subtract the total amount of payments received by a local educational agency under subsections (b) and (d) for a fiscal year from the amount determined under clause (iii) or clause (iv), as the case may be.*

*"(B) SPECIAL RULE.—(i) With respect to payments under this subsection for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of such payments shall be computed by taking the product of the average per pupil expenditure in all States multiplied by .7, except that such amount may not exceed 125 percent of the average per pupil expenditure in all local educational agencies in the State, and multiplying such product by the number of students who are served by such local educational agency and described in subparagraph (A) or (B) of subsection (a)(1).*

*"(ii) The payment under this subsection that a local educational agency described in clauses (ii) and (iii) of paragraph (2)(A) shall receive in any fiscal year shall be equal to the maximum amount described in clause (i) minus the amount of payments such agency receives under subsections (b) and (d) for such year.*

*"(4) CURRENT YEAR DATA.—The Secretary shall, for purposes of providing assistance under this subsection, use—*

*"(A) student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and*

*"(B) the most recent data available on per-pupil cost adjusted to reflect per-pupil cost made current by increasing or decreasing the per-pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per-pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per-pupil expenditure data for such second year.*

*"(5) DETERMINATION FOR FISCAL YEAR 1994.—Notwithstanding the proviso referring to section 3(d)(2)(B) of Public Law 81–874 under the following heading "IMPACT AID" under title III of the Departments of Labor, Health and Human services and Education, and Related Agencies Appropriations Act of 1994, or any provision of paragraph (2) of section 3(d) of such Public Law which is consistent with this proviso, determinations regarding the eligibility for an amount of payments under section 3(d)(2)(B) of such Public Law for fiscal year 1994 shall be made on the basis of 1994 data, and related Department regulations in effect during fiscal year 1992 shall be used in the tabulation of payments.*

*"(6) REDUCTION IN PAYMENTS.—If funds appropriated to carry out this subsection are insufficient to pay in full the amounts determined under paragraph (3), the Secretary shall ratably reduce the payment to each eligible local educational agency.*

*"(g) ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH DISABILITIES.—If any local educational agency receives Federal funds from sources other than this title for any fiscal year due to the enrollment of children described under subsection (a), such funds shall be considered a payment to such agency under this title for such fiscal year. Notwithstanding any other provision of law, if funds appropriated pursuant to section 9015(b) for payments under subsection (b) to such agency for a fiscal year which when added to the funds described in the preceding sentence received by such agency for such fiscal year exceed the maximum amount described under subsection (b)(1)(C), then the Secretary shall make available from the funds appropriated under section 9015(b) for such fiscal year such excess amounts to—*

*"(1) any local educational agency designated by the Secretary of Defense for such fiscal year as a local educational agency serving children described under section 9004(a) who have a parent assigned to a particular permanent duty station for compassionate reasons (compassionate post assignment) for the total costs associated with such children who are enrolled in an educational program provided outside the schools of such agency; and*

*"(2) any remaining amounts shall be made available for expenditures under subsection (d) in such fiscal year on a pro rata basis consistent with the requirements of such subsection.*

*"(h) OTHER FUNDS.—Notwithstanding any other provision of law, a local educational agency receiving funds under this section may also receive funds under section 6 of the Act of September 30, 1950 (Public Law 874, 81st Congress) or such section's successor authority.*

***"SEC. 9005. POLICIES AND PROCEDURES RELATING TO CHILDREN RESIDING ON INDIAN LANDS.***

*"(a) IN GENERAL.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9004 shall establish policies and procedures to ensure that—*

*"(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;*

*"(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the local educational agency may help such children realize the benefits of such programs and activities;*

*"(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;*

*"(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and*

*"(5) parents and Indian tribes are afforded an opportunity to present their views to such agency regarding such agency's general educational program.*

*"(b) RECORDS.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9004 shall maintain records demonstrating such agency's compliance with requirements contained in subsection (a).*

*"(c) WAIVER.—A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 9004 shall not be required to comply with the requirements of subsections (a) and (b) for any fiscal year with respect to any Indian tribe from which such agency has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.*

*"(d) TECHNICAL ASSISTANCE AND ENFORCEMENT.—The Secretary shall—*

*"(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable such agencies, parents, and tribes to carry out this section; and*

*"(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.*

*"(e) COMPLAINTS.—*

*"(1) IN GENERAL.—(A) Any tribe, or its designee, which has students in attendance at a local educational agency may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Secretary regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of this section.*

*"(B) Within ten working days from receipt of a complaint, the Secretary shall—*

*"(i) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or if the Secretary determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;*

*"(ii) designate a hearing examiner to conduct the hearing; and*

*"(iii) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.*

*"(2) HEARING.—The hearing shall be held within 30 days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.*

*"(3) EVIDENCE; RECOMMENDATIONS; COST.—The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceedings.*

*"(4) FINDINGS AND RECOMMENDATIONS.—Within 30 days of the completion of the hearing, the hearing examiner shall, on the basis of the record, make written findings of fact and recommendations concerning appropriate remedial*

*action, if any, which should be taken. The hearing examiner's findings and recommendations, along with the hearing record, shall be forwarded to the Secretary.*

*"(5) WRITTEN DETERMINATION.—Within 30 days of his receipt of the findings, recommendations, and record, the Secretary shall, on the basis of the record, make a written determination of the appropriate remedial action, if any, to be taken by the local educational agency, the schedule for completion of the remedial action, and the reasons for the Secretary's decision.*

*"(6) COPIES PROVIDED.—Upon completion of his final determination, the Secretary shall provide the complaining tribe, or its designee, and the local educational agency with copies of the hearing record, the hearing examiner's findings and recommendations, and the Secretary's final determination. The final determination of the Secretary shall be subject to judicial review.*

*"(7) CONSOLIDATION.—In all actions under this subparagraph, the Secretary shall have discretion to consolidate complaints involving the same tribe or local educational agency.*

*"(8) WITHHOLDING.—If the local educational agency rejects the determination of the Secretary, or if the remedy required is not undertaken within the time established and the Secretary determines that an extension of the time established will not effectively encourage the remedy required, the Secretary shall withhold payment of all moneys to which such local agency is eligible under section 9004 until such time as the remedy required is undertaken, except where the complaining tribe or its designee formally requests that such funds be released to the local educational agency, except that the Secretary may not withhold such moneys during the course of the school year if the Secretary determines that such withholding would substantially disrupt the educational programs of the local educational agency.*

*"(9) REJECTION OF DETERMINATION.—If the local educational agency rejects the determination of the Secretary and a tribe exercises the option under section 1101(d) of the Education Amendments of 1978, to have education services provided either directly by the Bureau of Indian Affairs or by contract with the Bureau of Indian Affairs, any Indian students affiliated with that tribe who wish to remain in attendance at the local educational agency against whom the complaint which led to the tribal action under such subsection (d) was lodged may be counted with respect to that local educational agency for the purpose of receiving funds under section 9004. In such event, funds under such section shall not be withheld pursuant to subparagraph (D) and no further complaints with respect to such students may be filed under subparagraph (C)(i).*

*"(f) CONSTRUCTION.—This section is based upon the special relationship between the Indian nations and the United States and nothing in this section shall be construed to relieve any State of any duty with respect to any citizens of that State.*

***"SEC. 9006. APPLICATION FOR PAYMENTS UNDER SECTIONS 9003 AND 9004.***

*"(a) IN GENERAL.—A local educational agency desiring to receive a payment under section 9003 or 9004 shall—*

*"(1) submit an application for such payment to the Secretary; and*

*"(2) provide a copy of such application to the State educational agency.*

*"(b) CONTENTS.—Each such application shall be submitted in such form and manner, and shall contain such information, as the Secretary may require, including—*

*"(1) information to determine the eligibility of the local educational agency for a payment and the amount of such payment; and*

*"(2) where applicable, an assurance that such agency is in compliance with section 9005 (relating to children residing on Indian lands).*

*"(c) DEADLINE FOR SUBMISSION.—The Secretary shall establish deadlines for the submission of applications under this section.*

*"(d) APPROVAL.—*

*"(1) IN GENERAL.—The Secretary shall approve an application submitted under this section that—*

*"(A) except as provided in paragraph (2), is filed by the deadline established under subsection (c); and*

*"(B) otherwise meets the requirements of this title.*

*"(2) REDUCTION IN PAYMENT.—The Secretary shall approve an application filed not more than 60 days after a deadline established under subsection (c) that otherwise meets the requirements of this title, except that, notwithstanding section 9004(e), the Secretary shall reduce the payment based on such late application by 10 percent of the amount that would otherwise be paid.*

*"(3) LATE APPLICATIONS.—The Secretary shall not accept or approve any application that is filed more than 60 days after a deadline established under subsection (c).*

*"(4) STATE APPLICATION AUTHORITY.—Notwithstanding any provision of law, a State educational agency that had been accepted as an applicant for funds under section 3 of the Act of September 30, 1950 (Public Law 874, 81st Congress) in fiscal year 1994 shall be permitted to continue as an applicant under the same conditions by which such agency made application during such fiscal year only if such State educational agency distributes all funds received for the students for which application is being made by such State educational agency to the local educational agencies providing educational services to such students.*

***"SEC. 9007. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.***

*"(a) ELIGIBILITY.—A local educational agency is eligible for a payment under this section if—*

*"(1) the number of children in average daily attendance during the school year for which the determination is made is at least ten percent or 100 more than the number of children in average daily attendance in the school year preceding the school year for which the determination is made; and*

*"(2) the number of children in average daily attendance with a parent on active duty (as defined in section 101(18) of title 37, United States Code) in the Armed Forces who are in attendance at such agency because of the assignment of their parent to a new duty station between February 1 and September 30, inclusive, of the fiscal year for which the determination is made, as certified by an appropriate local official of the Department of Defense, is at least ten percent or 100 more than the number of children in average daily attendance in the preceding school year.*

*"(b) APPLICATION.—A local educational agency that wishes to receive a payment under this section shall file an application with the Secretary by October 15 of the school year for which payment is requested, in such manner and containing such information as the Secretary may prescribe, including information demonstrating that such agency is eligible for such a payment.*

*"(c) CHILDREN TO BE COUNTED.—For each eligible local educational agency that applies for a payment under this section, the Secretary shall determine the lesser of—*

*"(1) the increase in the number of children in average daily attendance from the school year preceding the fiscal year for which the determination is made; and*

*"(2) the number of children described in subsection (a)(2).*

*"(d) PAYMENTS.—*

*"(1) IN GENERAL.—Except as provided in paragraph (2), from the amount appropriated for a fiscal year under section 9015(d), the Secretary shall pay each local educational agency with an approved application an amount equal to one-half of the national average per-pupil expenditure multiplied by the number of such children determined under subsection (c) for that local educational agency.*

*"(2) RATABLE REDUCTION.—(A) If the amount appropriated to carry out this section for any fiscal year is insufficient to pay the full payment that all eligible local educational agencies are eligible to receive under this section for such year, then the Secretary shall ratably reduce the payments to such agencies for such year.*

*"(B) If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.*

*"(e) NOTIFICATION PROCESS.—*

*"(1) ESTABLISHMENT.—The Secretary shall establish, with the Secretary of Defense, a notification process relating to the closure of Department of Defense facilities, or the adjustment of personnel levels assigned to such facilities, which may substantially affect the student enrollment levels of local educational agencies which receive or may receive payments under this title.*

*"(2) INFORMATION.—Such process shall provide timely information regarding such closures and such adjustments—*

*"(A) by the Secretary of Defense to the Secretary; and*

*"(B) by the Secretary to the affected local educational agencies.*

***"SEC. 9008. CONSTRUCTION.***

*"(a) PAYMENTS AUTHORIZED.—From the amount appropriated for each fiscal year under section 9015(e), the Secretary shall make payments to each local educational agency—*

*"(1) that receives a basic payment under section 9004(b); and*

*"(2)(A) in which the number of children determined under section 9004(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the preceding school year;*

*"(B) that receives assistance under section 9004(f); or*

*"(C) that receives assistance under section 9007.*

*"(b) AMOUNT OF PAYMENTS.—The amount of a payment to each such agency for a fiscal year shall be equal to—*

*"(1) the amount appropriated under section 9015(e) for such year; divided by*

*"(2) the number of children determined under section 9004(a)(2) for all local educational agencies described in subsection (a), but not including any children attending a school assisted or provided by the Secretary under section 9009 or section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994); multiplied by*

*"(3) the number of such children determined for such agency.*

*"(c) USE OF FUNDS.—Any local educational agency that receives funds under this section shall use such funds for construction, as defined in section 9014(3).*

***"SEC. 9009. FACILITIES.***

*"(a) CURRENT FACILITIES.—From the amount appropriated for any fiscal year under section 9015(f), the Secretary may continue to provide assistance for school facilities that were supported by the Secretary under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on the day*

*preceding the date of the enactment of the Improving America's Schools Act of 1994).*

*"(b) TRANSFER OF FACILITIES.—*

*"(1) IN GENERAL.—The Secretary shall, as soon as practicable, transfer to the appropriate local educational agency or another appropriate entity all the right, title, and interest of the United States in and to each facility provided under section 10 of the Act of September 23, 1950 (Public Law 815, 81st Congress), or under section 204 or 310 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Acts were in effect on January 1, 1958).*

*"(2) OTHER REQUIREMENTS.—Any such transfer shall be without charge to such agency or entity, and prior to such transfer, the transfer shall be consented to by the local educational agency or other appropriate entity, and may be made on such terms and conditions as the Secretary deems appropriate to carry out the purposes of this title.*

***"SEC. 9010. TREATMENT OF PAYMENTS BY THE STATES IN DETERMINING ELIGIBILITY FOR, AND THE AMOUNT OF, STATE AID.***

*"(a) IN GENERAL.—Except as provided in subsection (b), no payments may be made under this title for any fiscal year to any local educational agency in any State if—*

*"(1) such State has taken into consideration payments under this title in determining—*

*"(A) the eligibility of any local educational agency in that State for State aid for free public education of children; or*

*"(B) the amount of such aid with respect to any such agency;*

*during that fiscal year or the preceding fiscal year; or*

*"(2) such State makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this title than such agency would receive if such agency were not so eligible.*

*"(b) EXCEPTION.—*

*"(1) IN GENERAL.—Notwithstanding subsection (a), if a State has in effect a program of State aid for free public education for any fiscal year, which is designed to equalize expenditures for free public education among the local educational agencies of that State, payments under this title for any fiscal year may be taken into consideration by such State in determining the relative—*

*"(A) financial resources available to local educational agencies in that State; and*

*"(B) financial need of such agencies for the provision of free public education for children served by such agency, provided that a State may consider as local resources funds received under this title only in proportion to the share that local tax revenues covered under a State equalization program are of total local tax revenues.*

*"(2) SPECIAL RULE.—The portion of payments under sections 9004(b), 9004(d) and 9004(f)(1) for children described in section 9004(a)(1)(C) which are attributable to the difference between the total weighted student units determined under section 9004(a)(2)(B) and the total weighted student units determined under section 9004(a)(2)(A), shall not be taken into consideration by the State for the purpose of this subparagraph. Whenever a State educational agency or local educational agency will be adversely affected by the operation of this section, such agency shall be afforded notice and an opportunity for a hearing prior to the reduction or termination of payments pursuant to this section.*

*"(3) DEFINITIONS.—The terms 'State aid' and 'equalize expenditures' as used in this section shall be defined by the Secretary by regulation, after consultation with State and local educational agencies affected by this section, provided that the term 'equalize expenditures' shall not be construed in any manner adverse to a program of State aid for free public education which provides for taking into consideration the additional cost of providing free public education for particular groups or categories of pupils in meeting the special educational needs of such children as disabled children, economically disadvantaged children, limited-English proficient children, and gifted and talented children.*

*"(4) NOTICE AND CERTIFICATION.—(A) If a State desires to take payments under this title into consideration as provided in this subsection for any fiscal year, that State shall, not later than 60 days prior to the beginning of such fiscal year, submit notice to the Secretary of its intention to do so. Such notice shall be in such form and be accompanied by such information as to enable the Secretary to determine the extent to which the program of State aid of that State is consistent with the provisions of paragraph (1). In addition, such notice shall be accompanied by such evidence as the Secretary finds necessary that each local educational agency in that State has been given notice of the intention of the State. If the Secretary determines that the program of State aid of a State submitting notice under this paragraph is consistent with the provisions of paragraph (1), the Secretary shall certify such determination to that State.*

*"(B) Prior to certifying any determination under subparagraph (A) for any State for any fiscal year, the Secretary shall give the local educational agencies in that State an opportunity for a hearing at which such agencies may present their views with respect to the consistency of the State aid program of that State with the provisions of paragraph (1).*

*"(C) The Secretary shall not finally deny to any State for any fiscal year certification of a determination under subparagraph (A) without first giving that State an opportunity for a hearing.*

*"(5) REQUIREMENT.—Any State whose program of State aid was certified by the Secretary under paragraph (4) for fiscal year 1988, but whose program was determined by the Secretary under paragraph (4)(A) not to meet the requirements of paragraph (1) for one or more of the fiscal years 1989 through 1992—*

*"(A) shall be deemed to have met the requirements of paragraph (1) for each of the fiscal years 1989 through 1992; and*

*"(B) shall not, beginning with fiscal year 1993, and notwithstanding any other provision of this paragraph, take payments under this title into consideration as provided under paragraph (1) for any fiscal year unless the Secretary has previously certified such State's program for such fiscal year.*

*"(6) GRANDFATHER CLAUSE.—Notwithstanding any other provision of law, a State shall be deemed to meet the requirements of this subsection if such State—*

*"(A) met the requirements of section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) on July 1, 1994; and*

*"(B) continues to meet the requirements of such section 5(d)(2) for each fiscal year for which the determination is made.*

***"SEC. 9011. FEDERAL ADMINISTRATION.***

*"(a) PAYMENTS IN WHOLE DOLLAR AMOUNTS.—The Secretary shall round any payments under this title to the nearest whole dollar amount.*

*"(b) OTHER AGENCIES.—Each Federal agency administering Federal property on which children reside, and each agency principally responsible for an activity that may occasion assistance under this title, shall, to the maximum extent practicable, comply with requests of the Secretary for information the Secretary may require to carry out this title.*

***"SEC. 9012. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.***

*"(a) ADMINISTRATIVE HEARINGS.—A local educational agency and a State that is adversely affected by any action of the Secretary under this title shall be entitled to a hearing on such action in the same manner as if such agency were a person under chapter 5 of title 5, United States Code.*

*"(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—*

*"(1) IN GENERAL.—A local educational agency or a State aggrieved by the Secretary's final decision following an agency proceeding under subsection (a) may, within 60 days after receiving notice of such decision, file with the United States court of appeals for the circuit in which such agency or State is located a petition for review of that action. The clerk of the court shall promptly transmit a copy of the petition to the Secretary. The Secretary shall then file in the court the record of the proceedings on which the Secretary's action was based, as provided in section 2112 of title 28, United States Code.*

*"(2) FINDINGS OF FACT.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.*

*"(3) REVIEW.—The court shall have exclusive jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.*

***"SEC. 9013. FORGIVENESS OF OVERPAYMENTS.***

*"Notwithstanding any other provision of law, the Secretary may forgive the obligation of a local educational agency to repay, in whole or in part, the amount of any overpayment received under this title, or under the Act of September 30, 1950 (Public Law 874, 81st Congress) or the Act of September 23, 1950 (Public Law 815, 81st Congress), if the Secretary determines that the overpayment was made as a result of an error made by—*

*"(1) the Secretary; or*

*"(2) the local educational agency and repayment of the full amount of the overpayment will result in an undue financial hardship on the agency and seriously harm the agency's educational program.*

***"SEC. 9014. DEFINITIONS.***

*"For purposes of this title, the following definitions apply:*

*"(1) ARMED FORCES.—The term 'Armed Forces' means the Army, Navy, Air Force, and Marine Corps.*

*"(2) AVERAGE PER PUPIL EXPENDITURE.—The term 'average per pupil expenditure' means—*

*"(A) the aggregate current expenditures of all local educational agencies in the State; divided by*

*"(B) the total number of children in average daily attendance for whom such agencies provided free public education.*

*"(3) CONSTRUCTION.—The term 'construction' means—*

*"(A) the preparation of drawings and specifications for school facilities;*

*"(B) erecting, building, acquiring, altering, remodeling, repairing, or extending school facilities;*

*"(C) inspecting and supervising the construction of school facilities; and*

*"(D) debt service for such activities.*

*"(4) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free*

*public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but does not include expenditures for community services, capital outlay, and debt service, or any expenditures made from funds awarded under part A of title I and title XIII. The determination of whether an expenditure for the replacement of equipment is considered a current expenditure or a capital outlay shall be determined in accordance with generally accepted accounting principles as determined by the State.*

*"(5) FEDERAL PROPERTY.—*

*"(A) IN GENERAL.—Except as provided in subparagraphs (B) through (F), the term 'Federal property' means real property that is not subject to taxation by any State or any political subdivision of a State due to Federal agreement, law, or policy, and that is—*

*"(i) owned by the United States or leased by the United States from another entity;*

*"(ii)(I) held in trust by the United States for individual Indians or Indian tribes;*

*"(II) held by individual Indians or Indian tribes subject to restrictions on alienation imposed by the United States;*

*"(III) conveyed at any time under the Alaska Native Claims Settlement Act to a Native individual, Native group, or village or regional corporation;*

*"(IV) public land owned by the United States that is designated for the sole use and benefit of individual Indians or Indian tribes; or*

*"(V) used for low-rent housing, as described in paragraph (10) that is located on land described in subclause (I), (II), (III), or (IV) of this clause or on land that met one of those descriptions immediately before such property's use for such housing;*

*"(iii)(I) part of a low-rent housing project assisted under the United States Housing Act of 1937; or*

*"(II) used to provide housing for homeless children at closed military installations pursuant to section 501 of the Stewart B. McKinney Homeless Assistance Act; or*

*"(iv) owned by a foreign government or by an international organization.*

*"(B) SCHOOLS PROVIDING FLIGHT TRAINING TO MEMBERS OF AIR FORCE.—The term 'Federal property' includes, so long as not subject to taxation by any State or any political subdivision of a State, and whether or not that tax exemption is due to Federal agreement, law, or policy, any school providing flight training to members of the Air Force.*

*"(C) NON-FEDERAL EASEMENTS, LEASES, LICENSES, PERMITS, IMPROVEMENTS, AND CERTAIN OTHER REAL PROPERTY.—The term 'Federal property' includes, whether or not subject to taxation by a State or a political subdivision of a State—*

*"(i) any non-Federal easement, lease, license, permit, or other such interest in Federal property as otherwise described in this paragraph, but not including any non-Federal fee-simple interest;*

*"(ii) any improvement on Federal property as otherwise described in this paragraph; and*

*"(iii) real property that, immediately before its sale or transfer to a non-Federal party, was owned by the United States and otherwise qualified as Federal property described in this paragraph, but only for one year beyond the end of the fiscal year of such sale or transfer.*

*"(D) CERTAIN POSTAL SERVICE PROPERTY AND PIPELINES AND UTILITY LINES.—Notwithstanding any other provision of this paragraph, the term 'Federal property' does not include—*

*"(i) any real property under the jurisdiction of the United States Postal Service that is used primarily for the provision of postal services; or*

*"(ii) pipelines and utility lines.*

*"(E) PROPERTY WITH RESPECT TO WHICH STATE OR LOCAL TAX REVENUES MAY NOT BE EXPENDED, ALLOCATED, OR AVAILABLE FOR FREE PUBLIC EDUCATION.—Notwithstanding any other provision of this paragraph, 'Federal property' does not include any property on which children reside that is otherwise described in this paragraph if—*

*"(i) no tax revenues of the State or of any political subdivision of the State may be expended for the free public education of children who reside on that Federal property; or*

*"(ii) no tax revenues of the State are allocated or available for the free public education of such children.*

*"(F) PROPERTY LOCATED IN THE STATE OF OKLAHOMA OWNED BY INDIAN HOUSING AUTHORITY FOR LOW-INCOME HOUSING.—The term 'Federal property' includes any real property located in the State of Oklahoma that—*

*"(i) is owned by an Indian housing authority and used for low-income housing (including housing assisted under the mutual help ownership opportunity program under section 202 of the United States Housing Act of 1937); and*

*"(ii) at any time—*

*"(I) was designated by treaty as tribal land; or*

*"(II) satisfied the definition of Federal property under section 403(1)(A) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994).*

*"(6) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—*

*"(A) at public expense, under public supervision and direction, and without tuition charge; and*

*"(B) as elementary or secondary education, as determined under State law, except that, notwithstanding State law, such term—*

*"(i) includes preschool education; and*

*"(ii) does not include any education provided beyond grade 12.*

*"(7) INDIAN LANDS.—The term 'Indian lands' means any Federal property described in paragraph (5)(A)(ii) or (5)(F).*

*"(8) LOCAL CONTRIBUTION PERCENTAGE.—*

*"(A) IN GENERAL.—The term 'local contribution percentage' means the percentage of current expenditures in the State derived from local and intermediate sources, as reported to and verified by the National Center for Education Statistics.*

*"(B) HAWAII AND DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the local contribution percentage for Hawaii and for the District of Columbia shall be the average local contribution percentage for all States.*

*"(9) LOCAL EDUCATIONAL AGENCY.—*

*"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'local educational agency'—*

*"(i) means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent school district, or other school district; and*

*"(ii) includes any State agency that directly operates and maintains facilities for providing free public education.*

*"(B) EXCEPTION.—The term 'local educational agency' does not include any agency or school authority that the Secretary determines on a case-by-case basis—*

*"(i) was constituted or reconstituted primarily for the purpose of receiving assistance under this title or the Act of September 30, 1950 (Public Law 874, 81st Congress) or increasing the amount of such assistance; or*

*"(ii) is not constituted or reconstituted for legitimate educational purposes.*

*"(10) LOW-RENT HOUSING.—The term 'low-rent housing' means housing located on property that is described in paragraph (5)(A)(iii).*

*"(11) REVENUE DERIVED FROM LOCAL SOURCES.—The term 'revenue derived from local sources' means—*

*"(A) revenue produced within the boundaries of a local educational agency and available to such agency for such agency's use; or*

*"(B) funds collected by another governmental unit, but distributed back to a local educational agency in the same proportion as such funds were collected as a local revenue source.*

*"(12) SCHOOL FACILITIES.—The term 'school facilities' includes—*

*"(A) classrooms and related facilities; and*

*"(B) equipment, machinery, and utilities necessary or appropriate for school purposes.*

***"SEC. 9015. AUTHORIZATION OF APPROPRIATIONS.***

*"(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—For the purpose of making payments under section 9003, there are authorized to be appropriated $16,750,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(b) BASIC PAYMENTS; PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—For the purpose of making payments under subsections (b) and (f) of section 9004, there are authorized to be appropriated $775,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which 6 percent shall be available, until expended, for each fiscal year to carry out section 9004(f).*

*"(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—For the purpose of making payments under section 9004(d), there are authorized to be appropriated $45,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(d) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—For the purpose of making payments under section 9007, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(e) CONSTRUCTION.—For the purpose of carrying out section 9008, there are authorized to be appropriated $25,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(f) FACILITIES MAINTENANCE.—For the purpose of carrying out section 9009, there are authorized to be appropriated $2,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.*

***"PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM***

***"SEC. 9201. PURPOSE; DEFINITION.***

*"(a) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—*

*"(1) provide high-quality instruction to immigrant children and youth; and*

*"(2) help such children and youth—*

*"(A) with their transition into American society; and*

*"(B) meet the same challenging State performance standards expected of all children and youth.*

*"(b) DEFINITION.—For the purpose of this subpart, the term 'immigrant children and youth' means individuals who—*

*"(1) are aged three through 21;*

*"(2) were not born in any State; and*

*"(3) have not been attending one or more schools in any one or more States for more than two full academic years.*

***"SEC. 9202. STATE ADMINISTRATIVE COSTS.***

*"For any fiscal year, a State educational agency may reserve not more than 1.5 percent of*

*the amount allocated to such agency under section 9204 to pay the costs of performing such agency's administrative functions under this part.*

**"SEC. 9203. WITHHOLDING.**

*"Whenever the Secretary, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.*

**"SEC. 9204. STATE ALLOCATIONS.**

*"(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 1995 through 1999 for the purpose set forth in section 9201(a).*

*"(b) ALLOCATIONS.—*

*"(1) IN GENERAL.—Except as provided in subsections (c), (d) and (e), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in elementary and secondary public schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in elementary and secondary nonpublic schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.*

*"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, and in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—*

*"(A) at least 500; or*

*"(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,*

*whichever number is less.*

*"(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—*

*"(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimate are clearly erroneous.*

*"(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.*

*"(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.*

*"(e) RESERVATION OF FUNDS.—*

*"(1) IN GENERAL.—If the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, the Secretary shall reserve the amount in excess of $50,000,000 to award grants, on a competitive basis, to local educational agencies that have enrolled during the fiscal year for which the determination is made—*

*"(A) at least 1,000 immigrant children and youth; or*

*"(B) immigrant children and youth in numbers that represent at least 10 percent of the local educational agency's total student enrollment.*

*"(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 9207.*

*"(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.*

*"(4) DURATION.—Grants awarded under paragraph (1) shall be for a period of not more than two years.*

*"(5) APPLICATIONS.—(A) Each eligible local educational agency desiring a grant under this subsection shall submit to the Secretary an application in such form, at such time, and containing such information and assurances as the Secretary may require.*

*"(B) Each such application shall—*

*"(i) describe—*

*"(I) the need for the proposed program, including data on the number of immigrant children and youth in the local educational agency to be served and their characteristics, such as language spoken, dropout rates, proficiency in English and the native language, and academic standing in relation to their English proficient peers; and*

*"(II) the program to be implemented and how such program's design relates to the linguistic and academic needs of the immigrant children and youth to be served; and*

*"(ii) provide an assurance that the applicant will not reduce the level of State and local funds that the applicant expends for instructional programs for immigrant children and youth if the applicant receives an award under this part.*

**"SEC. 9205. STATE APPLICATIONS.**

*"(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—*

*"(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;*

*"(2) provide assurances that payments under this part will be used for purposes set forth in sections 9201 and 9207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes, and how the program designs are consistent with other education improvement plans;*

*"(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under title VII or title I;*

*"(4) provide assurances that such payments will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 9204(b)(1);*

*"(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;*

*"(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;*

*"(7) provide assurances—*

*"(A) that to the extent consistent with the number of immigrant children and youth enrolled in the elementary or secondary nonpublic schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;*

*"(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and*

*"(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such elementary or secondary nonpublic school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds; and*

*"(8) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).*

*"(b) APPLICATION REVIEW.—*

*"(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.*

*"(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.*

*"(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after reasonable notice, provision of technical assistance, and providing an opportunity for a hearing to the State.*

**"SEC. 9206. ADMINISTRATIVE PROVISIONS.**

*"(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 9205 of the amount of such agency's allocation under section 9204 for the succeeding year.*

"(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 9205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this part. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

**"SEC. 9207. USES OF FUNDS.**

"(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

"(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

"(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

"(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

"(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

"(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

"(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

"(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

"(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

"(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

**"SEC. 9208. REPORTS.**

"(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as the State educational agency determines may be necessary for such report.

"(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 10701.

**"SEC. 9209. AUTHORIZATION OF APPROPRIATIONS.**

"For the purpose of carrying out this part, there are authorized to be appropriated $75,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.

**"PART C—NATIVE HAWAIIAN EDUCATION**

**"SEC. 9301. SHORT TITLE.**

"This part may be cited as the 'Native Hawaiian Education Act'.

**"SEC. 9303. PURPOSE.**

"It is the purpose of this part to—

"(1) authorize and develop supplemental educational programs to benefit Native Hawaiians;

"(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, through the establishment of a Native Hawaiian Education Council, and five island councils; and

"(3) supplement and expand existing programs and authorities in the area of Native Hawaiian education to further such purposes.

**"SEC. 9304. NATIVE HAWAIIAN CURRICULUM DEVELOPMENT, TEACHER TRAINING AND RECRUITMENT PROGRAM.**

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for the following purposes:

"(1) CURRICULA.—The development of curricula to address the needs of Native Hawaiian students, particularly elementary and secondary school students, which may include programs of instruction conducted in the Native Hawaiian language, and mathematics and science curricula incorporating the relevant application of Native Hawaiian culture and traditions.

"(2) PRETEACHER TRAINING.—The development and implementation of preteacher training programs in order to ensure that student teachers within the State of Hawai'i, particularly student teachers who are likely to be employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

"(3) INSERVICE TEACHER TRAINING.—The development and implementation of inservice teacher training programs, in order to ensure that teachers, particularly teachers employed in schools with a high concentration of Native Hawaiian students, are prepared to better address the unique needs of Native Hawaiian students, within the context of Native Hawaiian culture, language and traditions.

"(4) TEACHER RECRUITMENT.—The development and implementation of teacher recruitment programs to meet the objectives of—

"(A) enhancing teacher recruitment within communities with a high concentration of Native Hawaiian students; and

"(B) increasing the numbers of teachers who are of Native Hawaiian ancestry.

"(b) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to awarding grants for activities described in subsection (a) that focus on the needs of at-risk youth or that employ a program of instruction conducted in the Native Hawaiian language.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**"SEC. 9305. NATIVE HAWAIIAN COMMUNITY-BASED EDUCATION LEARNING CENTERS.**

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to collaborative efforts between community-based Native Hawaiian organizations and community colleges, to develop, establish, and operate a minimum of three community-based education learning centers.

"(b) PURPOSE.—The learning centers described in subsection (a) shall meet the needs of families and communities through interdepartmental and interagency coordination of new and existing public and private programs and services, which may include—

"(1) preschool programs;

"(2) after-school programs; and

"(3) vocational and adult education programs.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**"SEC. 9306. NATIVE HAWAIIAN FAMILY-BASED EDUCATION CENTERS.**

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to expand the operation of Family-Based Education Centers throughout the Hawaiian Islands. The programs of such centers may be conducted in the Hawaiian language, the English language, or a combination thereof, and shall include—

"(1) parent-infant programs for prenatal through three-year-olds;

"(2) preschool programs for four- and five-year-olds;

"(3) continued research and development; and

"(4) a long-term followup and assessment program.

"(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the centers described in subsection (a), there are authorized to be appropriated $6,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**"SEC. 9307. NATIVE HAWAIIAN HIGHER EDUCATION PROGRAM.**

"(a) GENERAL AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized to make direct grants, to Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to enable such organizations or entities to provide a program of baccalaureate and post-baccalaureate fellowship assistance to Native Hawaiian students.

"(2) MANDATORY ACTIVITIES.—Such program shall include—

"(A) full or partial fellowship support for Native Hawaiian students enrolled at two- or four-year degree granting institutions of higher education with fellowship awards to be based on academic potential and financial need; and

"(B) full or partial fellowship support for Native Hawaiian students enrolled at post-baccalaureate degree granting institutions of higher education with priority given to providing fellowship support for professions in which Native Hawaiians are underrepresented and with fellowship awards to be based on academic potential and financial need;

"(3) PERMITTED ACTIVITIES.—Such program may also include—

"(A) counseling and support services for students receiving fellowship assistance under paragraph (1);

"(B) college preparation and guidance counseling at the secondary school level for students who may be eligible for fellowship support pursuant to subsection (a)(2)(A);

"(C) appropriate research and evaluation of the activities authorized by this section; and

"(D) implementation of faculty development programs for the improvement and matriculation of Native Hawaiian students.

"(b) SPECIAL CONDITIONS REQUIRED.—For the purpose of fellowships awarded under subsection (a), fellowship conditions shall be established whereby fellowship recipients obtain an enforceable contract obligation to provide their professional services, either during the fellowship period or upon completion of a baccalaureate or post-baccalaureate degree program, to the Native Hawaiian community.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**"SEC. 9308. NATIVE HAWAIIAN GIFTED AND TALENTED PROGRAM.**

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make a grant, to a Native Hawaiian educational organization or an educational entity with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, for a gifted and talented program designed to—

"(1) address the special needs of Native Hawaiian elementary and secondary school students who are gifted and talented students; and

"(2) provide those support services to the families of such students that are needed to enable such students to benefit from the program.

"(b) USES OF FUNDS.—The program funded under this section may include—

"(1) the identification of the special needs of Native Hawaiian gifted and talented students, particularly with respect to—

"(A) the emotional and psychosocial needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

"(2) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions;

"(3) leadership programs designed to—

"(A) replicate programs throughout the State of Hawai'i for gifted and talented students who are not served under this section; and

"(B) coordinate with other Native American gifted and talented leadership programs, including the dissemination of information derived from the program conducted under this section; and

"(4) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program.

"(c) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated $1,500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**"SEC. 9309. NATIVE HAWAIIAN SPECIAL EDUCATION PROGRAM.**

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts with, Native Hawaiian educational organizations or educational entities with experience in developing or operating Native Hawaiian programs or programs of instruction conducted in the Native Hawaiian language, to operate a program to address the special education needs of Native Hawaiian students. Such program may include—

"(1) the identification of Native Hawaiian students with learning disabilities, mental or physical disabilities, emotional impairments, or who are otherwise in need of special educational services;

"(2) the identification of the special education needs of such students, particularly with respect to—

"(A) the emotional and psychosocial needs of such students; and

"(B) the provision of those support services to the families of such students that are needed to enable such students to benefit from the program;

"(3) the conduct of educational activities consistent with part B of the Education of Individuals with Disabilities Education Act which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students;

"(4) the conduct of educational, psychosocial, and developmental activities which hold reasonable promise of resulting in substantial progress toward meeting the educational needs of such students, including demonstrating and exploring the use of the Native Hawaiian language and exposure to Native Hawaiian cultural traditions; and

"(5) appropriate research, evaluation, and related activities pertaining to—

"(A) the needs of such students;

"(B) the provision of those support services to the families of such students that are needed to enable such student to benefit from the program; and

"(C) the outcomes and benefits of activities assisted under this section upon such students.

"(b) ADMINISTRATIVE COSTS.—Not more than 7 percent of the funds appropriated to carry out the provisions of this section for any fiscal year may be used for administrative purposes.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amount authorized to be appropriated for the program described in this section, there are authorized to be appropriated $2,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**"SEC. 9310. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.**

"(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (hereafter in this part referred to as the 'Education Council').

"(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 25 members, including a representative of—

"(1) each recipient of funds from the Secretary under this part;

"(2) the State of Hawai'i Department of Education;

"(3) the State of Hawai'i Office of Hawaiian Affairs;

"(4) Native Hawaiian educational organizations, such as Alu Like, Inc., Kamehameha Schools Bishop Estate, Hawaiian Language Immersion Advisory Council, Aha Punana Leo, and the Queen Lili'uokalani Trust and Children's Center; and

"(5) each Native Hawaiian education island council established under subsection (f).

"(c) CONDITIONS AND TERMS.—At least three-fourths of the members of the Education Council shall be Native Hawaiians. Members of the Education Council shall be appointed for three-year terms.

"(d) ADMINISTRATIVE GRANT FOR THE EDUCATION COUNCIL.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

"(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part, and assess the extent to which such services and programs meet the needs of Native Hawaiians; and

"(2) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, on Native Hawaiian education.

"(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

"(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council to the Secretary, the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, including any information that the Education Council provides to the Secretary pursuant to subsection (i)(1).

"(2) ANNUAL REPORT.—The Education Council shall present to the Secretary an annual report on the Education Council's activities.

"(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary deems appropriate.

"(f) ESTABLISHMENT OF ISLAND COUNCILS.—

"(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Office of Hawaiian Affairs of the State of Hawai'i is authorized to facilitate the establishment of Native Hawaiian education island councils (hereafter in this part referred to as 'island councils') for the following islands:

"(A) Hawai'i.

"(B) Maui and Lana'i.

"(C) Moloka'i.

"(D) Kaua'i and Ni'ihau.

"(E) O'ahu.

"(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of the educational needs of all age groups, from preschool through adulthood. At least three-fourths of the members of each island council shall be Native Hawaiians

"(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the respective council, or upon the request of the majority of the members of the respective council, but in any event not less than four times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

"(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for services on the Education Council and each island council, respectively.

"(i) REPORT.—Not later than four years after the date of the enactment of the Improving America's Schools Act of 1994, the Secretary shall prepare and submit to the Committee on Indian Affairs of the Senate, and the Committee on Education and Labor of the House of Representatives, a report which summarizes the annual reports of the Education Council, describes the allocation and utilization of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this section. Funds appropriated under the authority of this subsection shall remain available until expended.

**"SEC. 9311. ADMINISTRATIVE PROVISIONS.**

"(a) APPLICATION REQUIRED.—No grant may be made under this part, nor any contract be entered into under this part, unless an application is submitted to the Secretary in such form, in such manner, and containing such information as the Secretary may determine necessary to carry out the provisions of this part.

"(b) SPECIAL RULE.—Each application submitted under this part shall be accompanied by the comments of each local educational agency serving students who will participate in the program for which assistance is sought.

**"SEC. 9312. DEFINITIONS.**

"For the purposes of this part—

"(1) the term 'Native Hawaiian' means any individual who is a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

"(A) genealogical records;

"(B) Kūpuna (elders) or Kama'āina (long-term community residents) verification; or

"(C) certified birth records;

"(2) the term 'Native Hawaiian educational organization' means a private nonprofit organization that—

"(A) serves the interests of Native Hawaiians;

"(B) has a demonstrated expertise in the education of Native Hawaiians; and

"(C) has Native Hawaiians in substantive and policymaking positions within the organization;

"(3) the term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i;

"(4) the term 'Office of Hawaiian Affairs' means the Office of Hawaiian Affairs established by the Constitution of the State of Hawai'i; and

"(5) the term 'Native Hawaiian community-based organization' means any organization which is composed primarily of Native Hawaiians from a specific community and which assists in the social, cultural and educational development of Native Hawaiians in that community.

**"PART D—TERRITORIAL ASSISTANCE**

**"SEC. 9401. GENERAL ASSISTANCE FOR THE VIRGIN ISLANDS.**

"There are authorized to be appropriated $5,000,000 for fiscal year 1995 and for each of the 4 succeeding fiscal years, for the purpose of providing general assistance to improve public education in the Virgin Islands.

**"TITLE X—GENERAL PROVISIONS**

**"PART A—DEFINITIONS**

**"SEC. 10101. DEFINITIONS.**

"Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

"(1) AVERAGE DAILY ATTENDANCE.—(A) Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with disabilities, as defined in section 602(a)(1) of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third preceding fiscal year (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) CHILD.—The term 'child' means any person within the age limits for which the applicable State provides free public education.

"(4) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency pursuant to section 10302.

"(6) COUNTY.—The term 'county' means one of those divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(7) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part D of title I;

"(C) part A of title II (other than sections 2114 and 2115);

"(D) subpart 1 of part A of title V (other than section 5114);

"(E) subpart 2 of part A of title III; and

"(F) title XIII.

"(8) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I, part A of title II, and title XIII.

"(9) DEPARTMENT.—The term 'Department' means the Department of Education.

"(10) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means regional public multiservice agencies authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(11) ELEMENTARY SCHOOL.—The term 'elementary school' means a day or residential school that provides elementary education, as determined under State law.

"(12) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(13) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 1201 of the Higher Education Act of 1965.

"(14) INTEROPERABLE AND INTEROPERABILITY.—The terms 'interoperable' and 'interoperability' refer to the ability to easily exchange data with, and connect to, other hardware and software in order to provide the greatest accessibility to such data for all students.

"(15) LOCAL EDUCATIONAL AGENCY.—(A) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

"(B) The term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(C) The term includes an elementary or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(16) OTHER STAFF.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(17) OUTLYING AREA.—The term 'outlying area' means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"(18) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(19) PUBLIC TELECOMMUNICATION ENTITY.—The term 'public telecommunication entity' has the same meaning given to such term in section 397(12) of the Communications Act of 1934.

"(20) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

"(A) The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

"(B) The term 'pupil services' means the services provided by pupil services personnel.

"(21) SECONDARY SCHOOL.—The term 'secondary school' means a day or residential school that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

"(22) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(23) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(24) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary and secondary schools.

"(25) TECHNOLOGY.—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 and services, cable television, satellite, copper and audio laser and CD-ROM disks, video and audio tapes, or other technologies.

**"SEC. 10102. APPLICABILITY OF THIS TITLE.**

"Parts B through F of this title do not apply to part A of title IX.

## "PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

**"SEC. 10201. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.**

"(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

"(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2).

"(2) APPLICABILITY.—This section applies to programs under title I and those covered programs described in subparagraphs (C), (D), (E), and (F) of section 10101(7).

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

"(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

"(A) the coordination of such programs with other Federal and non-Federal programs;

"(B) the establishment and operation of peer-review mechanisms under this Act;

"(C) the administration of this title;

"(D) the dissemination of information regarding model programs and practices; and

"(E) technical assistance under programs specified in subsection (a)(2).

"(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

"(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

"(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

**"SEC. 10202. SINGLE LOCAL EDUCATIONAL AGENCY STATES.**

"A State educational agency that also serves as a local educational agency, in such agency's applications or State plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

**"SEC. 10203. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.**

"(a) GENERAL AUTHORITY.—In accordance with regulations issued by the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, determined by its State educational agency, of the total amount available to that local educational agency under those covered programs.

"(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1994, a State educational agency, in collaboration with local educational agencies in the State, shall establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of covered programs and for the purposes described in section 10201(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

**"SEC. 10204. ADMINISTRATIVE FUNDS STUDY.**

"(a) STUDY.—

"(1) IN GENERAL.—The Secretary may conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of covered programs, including the percentage of grant funds used for such purpose in covered programs.

"(2) RESULTS.—Based on the results of such study, the Secretary may publish regulations or guidelines regarding the use of funds for administration under covered programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration.

"(b) REPORT.—The Secretary shall submit to the President and the appropriate committees of the Congress a report regarding the study, if any, conducted under this section within 30 days of the completion of such study.

**"SEC. 10205. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.**

"(a) GENERAL AUTHORITY.—

"(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2) AGREEMENT.—(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, the steps to be taken to achieve the National Education Goals, and performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

**"SEC. 10206. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.**

"With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program other than part A of title I are not needed for the purpose of that covered program may use such funds, not to exceed 5 percent of the total amount of such local educational agency's funds under that covered program, for the purpose of another covered program.

**"PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL APPLICATIONS**

**"SEC. 10301. PURPOSE.**

"It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

**"SEC. 10302. OPTIONAL CONSOLIDATED STATE APPLICATION.**

"(a) GENERAL AUTHORITY.—

"(1) SIMPLIFICATION.—In order to simplify application requirements and reduce burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which a State educational agency may submit a consolidated State plan or application meeting the requirements of this section for each of the covered programs in which the State participates.

"(2) ADDITIONAL PROGRAMS.—A State educational agency may also include in its consolidated plan or application—

"(A) the Even Start program under part C of title I;

"(B) the education for neglected and delinquent youth program under part E of title I;

"(C) part A of title II of the Carl D. Perkins Vocational and Applied Technology Education Act; and

"(D) such other programs as the Secretary may designate.

"(3) CONSOLIDATED APPLICATIONS AND PLANS.—A State educational agency that submits a consolidated State plan or application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated application under this section applies.

"(b) COLLABORATION.—

"(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) CONTENTS.—Through the collaborative process described in subsection (b), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or application.

**"SEC. 10303. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.**

"(a) ASSURANCES.—A State educational agency that submits a State plan or application under this Act, whether separately or under section 10302, shall have on file with the Secretary a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 435 of the General Education Provisions Act does not apply to programs under this Act.

**"SEC. 10304. CONSOLIDATED LOCAL APPLICATIONS.**

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State plan or application under section 10302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or application to submit consolidated local plans or applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated plans or applications under this section.

**"SEC. 10305. OTHER GENERAL ASSURANCES.**

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, whether separately or pursuant to section 10304, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the statute authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency or the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the plan or application was submitted, the applicant is afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

"(b) GEPA PROVISION.—Section 436 of the General Education Provisions Act does not apply to programs under this Act.

**"SEC. 10306. RELATIONSHIP OF STATE AND LOCAL PLANS TO PLANS UNDER THE GOALS 2000: EDUCATE AMERICA ACT.**

"(a) STATE PLANS.—

"(1) IN GENERAL.—Each State plan submitted under the following programs shall be integrated with each other and the State's plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act:

"(A) Part A of title I (making high-poverty schools work).

"(B) Part D of title I (education of migratory children).

"(C) Part E of title I (education of neglected and delinquent youth).

"(D) Part A of title II (professional development).

"(E) Subpart 1 of part A of title V (safe and drug-free schools).

"(F) Part D of title VI (Indian education).

"(2) SPECIAL RULE.—Notwithstanding any other provision of this Act, if a requirement relating to a State plan referred to in paragraph (1) is already satisfied by the State's approved plan under title III of the Goals 2000: Educate America Act, the State plan referred to in paragraph (1) need not separately address that requirement.

"(3) AMENDMENT.—Any State plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the State's plan under title III of the Goals 2000: Educate America Act.

"(b) LOCAL PLANS.—

"(1) IN GENERAL.—Each local educational agency plan submitted under the following programs shall be integrated with each other and its plan, if any, either approved or being developed, under title III of the Goals 2000: Educate America Act:

"(A) Part A of title I (making high-poverty schools work).

"(B) Part A of title II (professional development).

"(C) Subpart 1 of part A of title V (safe and drug-free schools).

"(D) Part A of title VI (Indian education).

"(E) Subpart 1 of part A of title VII (bilingual education).

"(F) Part B of title IX (emergency immigrant education).

"(2) PLAN OF OPERATION.—Each plan of operation included in an application submitted by an eligible entity under part C of title I (Even

*Start) shall be consistent with, and promote the goals of, the State and local plans, either approved or being developed, under title III of the Goals 2000: Educate America Act or, if those plans are not approved or being developed, with the State and local plans under sections 1111 and 1112 of this Act.*

*"(3) SPECIAL RULE.—Notwithstanding any other provision of this Act, if a requirement relating to a local plan referred to in paragraph (1) is already satisfied by the local educational agency's approved plan under title III of the Goals 2000: Educate America Act, the local plan referred to in paragraph (1) need not separately address that requirement.*

*"(4) SUBMISSION.—Any local plan referred to in paragraph (1) may, if necessary, be submitted as an amendment to the local educational agency's plan under title III of the Goals 2000: Educate America Act.*

***"PART D—WAIVERS***

***"SEC. 10401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.***

*"(a) WAIVER AUTHORITY.—Except as provided in subsection (c), the Secretary may waive any requirement of this Act or of the General Education Provisions Act, or of the regulations issued under such Acts, for a State educational agency, local educational agency, Indian tribe, or other agency, organization, or institution that receives funds under a program authorized by this Act from the Department and that requests such a waiver, if—*

*"(1) the Secretary determines that such requirement impedes the ability of the State educational agency or other recipient to achieve more effectively the purposes of this Act;*

*"(2) in the case of a waiver proposal submitted by a State educational agency, the State educational agency—*

*"(A) provides all interested local educational agencies in the State with notice and an opportunity to comment on the proposal; and*

*"(B) submits the comments to the Secretary; and*

*"(3) in the case of a waiver proposal submitted by a local educational agency or other agency, institution, or organization that receives funds under this Act from a State educational agency, such request has been reviewed by the State educational agency and is accompanied by the comments, if any, of such State educational agency.*

*"(b) WAIVER PERIOD.—*

*"(1) IN GENERAL.—A waiver under this section shall be for a period not to exceed 4 years.*

*"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—*

*"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved performance; and*

*"(B) such extension is in the public interest.*

*"(c) WAIVERS NOT AUTHORIZED.—The Secretary may not waive, under this section, any statutory or regulatory requirement relating to—*

*"(1) comparability of services;*

*"(2) maintenance of effort;*

*"(3) the equitable participation of students attending private schools;*

*"(4) parental participation and involvement;*

*"(5) the distribution of funds to States or to local educational agencies or other recipients of funds under this Act;*

*"(6) applicable civil rights requirements; or*

*"(7) the requirements of sections 438 and 439 of the General Education Provisions Act.*

*"(d) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.*

***"PART E—UNIFORM PROVISIONS***

***"SEC. 10501. MAINTENANCE OF EFFORT.***

*"(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.*

*"(b) REDUCTION IN CASE OF FAILURE TO MEET.—*

*"(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).*

*"(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.*

*"(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—*

*"(1) exceptional or uncontrollable circumstances such as a natural disaster; or*

*"(2) a precipitous decline in the financial resources of the local educational agency.*

***"SEC. 10502. PROHIBITION REGARDING STATE AID.***

*"No State shall take into consideration payments under this Act in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.*

***"SEC. 10503. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.***

*"(a) PRIVATE SCHOOL PARTICIPATION.—*

*"(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or intermediate educational agency or consortium receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation with appropriate private school officials, provide such children, their teachers, administrators, and other staff, on an equitable basis, special educational services or other benefits under such program.*

*"(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, must be secular, neutral, and nonideological.*

*"(3) SPECIAL RULE.—Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, administrators, and other staff participating in such program.*

*"(4) EXPENDITURES.—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.*

*"(5) PROVISION OF SERVICES.—Such agency or consortium may provide such services directly or through contracts with public and private agencies, organizations, and institutions.*

*"(b) APPLICABILITY.—*

*"(1) IN GENERAL.—This section applies to—*

*"(A) part A of title I;*

*"(B) part D of title I;*

*"(C) part A of title II (other than section 2114);*

*"(D) part A of title III;*

*"(E) part B of title III;*

*"(F) part D of title III;*

*"(G) subpart 1 of part A of title V (other than section 5114);*

*"(H) title VII;*

*"(I) part B of title IX; and*

*"(J) title XIII.*

*"(2) DEFINITION.—For the purposes of this section, the term 'eligible children' means children eligible for services under a program described in paragraph (1).*

*"(c) CONSULTATION.—*

*"(1) IN GENERAL.—To ensure timely and meaningful consultation, such agency or consortium shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—*

*"(A) how the children's needs will be identified;*

*"(B) what services will be offered;*

*"(C) how and where the services will be provided; and*

*"(D) how the services will be assessed.*

*"(2) TIMING.—Such consultation shall occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act.*

*"(3) DISCUSSION REQUIRED.—Such consultation shall include a discussion of service delivery mechanisms that an agency or consortium could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.*

*"(d) PUBLIC CONTROL OF FUNDS.—*

*"(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.*

*"(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—*

*"(i) by employees of a public agency; or*

*"(ii) through contract by such public agency with an individual, association, agency, or organization.*

*"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.*

*"(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.*

***"SEC. 10504. STANDARDS FOR BY-PASS.***

*"If, by reason of any provision of law, a State, local, or intermediate educational agency or consortium of such agencies is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 10503, the Secretary shall—*

*"(1) waive the requirements of that section for such agency or consortium; and*

"(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 10503, 10505, and 10506.

**"SEC. 10505. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.**

"(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations by an agency or consortium of section 10503 of this Act. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by such agency within a reasonable period of time.

"(b) APPEALS TO THE SECRETARY.—Such resolution may be appealed by an interested party to the Secretary within 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal within 120 days after receipt of the appeal.

**"SEC. 10506. BY-PASS DETERMINATION PROCESS.**

"(a) REVIEW.—

"(1) IN GENERAL.—(A) The Secretary shall not take any final action under section 10504 until the agency or consortium affected by such action has had an opportunity, for at least 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(2) PETITION FOR REVIEW.—(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency or consortium may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

"(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(C) The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) FINDINGS OF FACT.—(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may thereupon make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

"(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) JURISDICTION.—(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part.

"(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 10503 or any other provision of this Act.

"(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

"(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994 shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

**"SEC. 10507. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.**

"Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

## "PART F—OTHER PROVISIONS

**"SEC. 10601. STATE RECOGNITION OF EXEMPLARY PERFORMANCE.**

"(a) RECOGNITION.—

"(1) IN GENERAL.—A State educational agency may implement a program of State recognition awards under one or more covered programs (other than parts A and C of title I).

"(2) RECIPIENTS.—Such recognition awards shall be made by the State educational agency to recipients of assistance under this Act in the State that the State educational agency determines have carried out grant-related activities in an exemplary fashion and have demonstrated outstanding performance measured in accordance with this section.

"(3) FUNDING.—A State desiring to make monetary awards under this section may reserve a portion of the total amount available for grants within the State under such programs for any fiscal year, not to exceed 1 percent, for the purpose of making recognition awards to qualifying recipients under such programs. In implementing this section, a State may reduce the amount of funds the State would otherwise allocate to recipients in accordance with the applicable statute governing such allocation to the extent necessary.

"(b) CONDITIONS.—A State educational agency may make recognition awards under this section if—

"(1) in selecting awardees, such agency takes into account improvements in performance (rather than comparisons with other schools and school districts), and successful cooperative efforts among teachers, administrators, and other school personnel in achieving educational reform;

"(2) such agency employs peer review procedures in identifying recipients eligible for awards, the identity of the awardees, and the amount of the awards;

"(3) such agency determines that the awardee is in compliance with applicable civil rights requirements; and

"(4) such agency submits to the Secretary a description of the criteria used in making such awards.

**"SEC. 10602. APPLICABILITY TO HOME SCHOOLS.**

"Nothing in this Act shall be construed to affect home schools.

**"SEC. 10603. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.**

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

**"SEC. 10604. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.**

"Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

**"SEC. 10605. REPORT.**

"The Secretary shall report to the Congress within 180 days of the date of enactment of the Improving America's Schools Act of 1994 regarding how the Secretary shall ensure that audits conducted by Department employees of activities assisted under this Act comply with changes to this Act made by the Improving America's Schools Act of 1994, particularly with respect to permitting children with similar educational needs to be served in the same educational settings, where appropriate.

**"SEC. 10606. REQUIRED PARTICIPATION PROHIBITED.**

"Notwithstanding any other provision of law, no State shall be required to participate in any program under the Goals 2000: Education America Act, or to have content standards or student performance standards approved or certified under such Act, in order to receive assistance under this Act.

## "PART G—EVALUATIONS

**"SEC. 10701. EVALUATIONS.**

"(a) EVALUATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary is authorized to reserve not more than 0.50 percent of the amount appropriated to carry out each program authorized under this Act—

"(A) to carry out program evaluations and studies of program effectiveness under this Act in accordance with subsection (b);

"(B) to evaluate the aggregate short- and long-term effects and cost efficiencies across Federal programs authorized under this Act and related preschool, elementary and secondary Federal programs under other Federal law;

"(C) to evaluate the short- and long-term effects of demonstration projects that show the most promise of enabling children served under this Act to meet challenging standards in accordance with subsection (c); and

"(D) to strengthen the usefulness of grant recipient evaluations for continuous program progress through improving the quality, timeliness, efficiency, and utilization of program information on program performance.

"(2) SPECIAL RULE.—(A) Paragraph (1) shall not apply to any program under title I.

"(B) If funds are made available under any program assisted under this Act (other than a program under title I) for evaluation activities, then the Secretary shall use such funds to carry out paragraph (1).

"(b) NATIONAL EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall use not more than 90 percent of the funds made available under subsection (a) to carry out—

"(A) independent studies of programs authorized under this Act that are coordinated with research supported through the Office of Educational Research and Improvement, and use

*rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment as appropriate, to determine—*

*"(i) the success of such programs in meeting the measurable goals and objectives, through appropriate targeting, quality services, and efficient administration, and in contributing to achieving the National Education Goals, with a priority on assessing program impact on student performance;*

*"(ii) the short- and long-term effects of program participation on program participants, as appropriate;*

*"(iii) the cost and efficiency of such programs; and*

*"(iv) to the extent feasible, the cost of serving all students eligible to be served under such programs;*

*"(B) in collaboration with the national assessment conducted pursuant to section 1601, conduct a comprehensive evaluation of how the Federal Government has assisted the States to reform their educational systems through the various education laws enacted during the 103d Congress, which evaluation shall—*

*"(i) encompass the changes made in Federal programs pursuant to the Improving America's Schools Act of 1994 as well as in any other law enacted during the 103d Congress that amended a Federal program assisting preelementary, elementary, or secondary education;*

*"(ii) encompass new initiatives such as initiatives under the Goals 2000: Educate America Act, and the School-to-Work Opportunities Act of 1994, and be coordinated with evaluations of such Acts;*

*"(iii) include a comprehensive review of the programs developed under the Acts described in subparagraph (D) to determine such programs' overall effect on—*

*"(I) the readiness of children for schooling;*

*"(II) the improvement in educational attainment of students in elementary and secondary education; and*

*"(III) the improvement in skills needed by students to obtain employment or pursue further education upon completion of secondary school or further education;*

*"(iv) include a comprehensive review of the programs under the Acts described in subparagraph (D) to determine such programs' overall effect—*

*"(I) on school reform efforts undertaken by States; and*

*"(II) on student populations that have been the traditional beneficiaries of Federal assistance in order to determine whether such population's educational attainment has been improved as a result of such programs;*

*"(v) evaluate how the National Assessment Governing Board, the Advisory Council on Education Statistics, the National Education Goals Panel, and the National Education Statistics and Improvement Council (and any other Federal board established to analyze, address, or approve education standards and assessments) coordinate, interact, or duplicate efforts to assist the States in reforming the educational systems of States; and*

*"(vi) include a review of the programs under the Acts described in subparagraph (D) in such detail as the Secretary deems appropriate, and may involve cooperation with other Federal departments and agencies in order to incorporate evaluations and recommendations of such departments and agencies.*

*"(2) INDEPENDENT PANEL.—The Secretary shall appoint an independent panel to review the plan for the evaluation described in paragraph (1), to advise the Secretary on such evaluation's progress, and to comment, if the panel so wishes, on the final report described in paragraph (3).*

*"(3) REPORT.—The Secretary shall submit a final report on the evaluation described in this subsection by January 1, 1998, to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.*

*"(c) EVALUATION OF DEMONSTRATIONS OF INNOVATIVE PRACTICES.—The Secretary shall use at least 10 percent of funds reserved under subsection (a) for evaluation of demonstration projects assisted under this Act in order to improve student achievement. Such evaluation shall—*

*"(1) identify specific intervention strategies and implementation of such strategies that, based on theory, research and evaluation, offer the promise of improved achievement of program objectives;*

*"(2) use rigorous methodological designs and techniques, including longitudinal designs, control groups, and random assignment, to the extent feasible, to produce reliable evidence of effectiveness;*

*"(3) assess at the end the reauthorization period of each demonstration project the knowledge gained in identifying and disseminating effective management and educational practices; and*

*"(4) to the extent feasible, the cost of serving all students eligible to be served under such demonstration projects.*

*"(d) RECIPIENT EVALUATION AND QUALITY ASSURANCE IMPROVEMENT.—The Secretary is authorized to provide guidance, technical assistance, and model programs to recipients of assistance under this Act to strengthen information for quality assurance and performance information feedback at State and local levels. Such guidance and assistance shall promote the development, measurement and reporting of valid, reliable, timely and consistent performance indicators within a program in order to promote continuous program improvement. Nothing in this subsection shall be construed to establish a national data system.*

## *"TITLE XI—CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH*

***"SEC. 11101. SHORT TITLE.***

*"This title may be cited as the 'Cultural Partnerships for At-Risk Children and Youth Act of 1994'.*

***"SEC. 11102. FINDINGS.***

*"The Congress finds that—*

*"(1) with local school budget cuts there are inadequate arts and cultural programs available for children and youth in schools, especially at the elementary school level;*

*"(2) children and youth who receive instruction in the arts and humanities, or who are involved in cultural activities, remain in school longer and are more successful than children who do not receive such instruction;*

*"(3) school-university partnerships that upgrade teacher training in the arts and humanities have significantly contributed to improved instruction and achievement levels of school-aged children; and*

*"(4) museum outreach, cultural activities and informal education for at-risk children and youth have contributed significantly to the educational achievement and enhanced interest in learning of at-risk children and youth.*

***"SEC. 11103. DEMONSTRATION PROGRAM.***

*"(a) GRANTS AUTHORIZED.—*

*"(1) GRANT FROM SECRETARY.—(A) The Secretary, by grant, shall award all funds appropriated under section 11108 to the Committee established under subsection (b) to enable such Committee to award subgrants in accordance with paragraph (2).*

*"(B) The Committee established under subsection (b) may reserve not more than 5 percent of the grant funds received under paragraph (1) in each fiscal year for the costs of administration.*

*"(2) SUBGRANTS.—(A) From grant funds received under paragraph (1)(A) and not reserved under paragraph (1)(B), the Committee established under subsection (b) shall award subgrants to eligible entities to enable such entities to improve the educational performance and potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services to such children and youth.*

*"(B) Each eligible recipient may reserve not more than 5 percent of any subgrant funds received under this part in each fiscal year for the costs of administration.*

*"(3) ELIGIBLE ENTITIES.—For purposes of this title, the term 'eligible entity' means—*

*"(A) for purposes of determining eligibility for a subgrant under this title to serve in-school children and youth, a partnership between—*

*"(i) a local educational agency or an individual school that is eligible to participate in a schoolwide program under section 1114; and*

*"(ii) at least 1 institution of higher education, museum, local arts agency, or cultural entity that is accessible to individuals within the school district of such local educational agency or school, and that has a history of providing quality services to the community, which may include—*

*"(I) a nonprofit institution of higher education, local arts agency, cultural institution, or zoological or botanical facility; or*

*"(II) a private for-profit entity with an effective history of training children and youth in the arts or humanities; and*

*"(B) for purposes of determining eligibility for a subgrant under this title to serve out-of-school youth, a partnership between—*

*"(i) at least 1 entity described in clause (i) or (ii) of subparagraph (A); and*

*"(ii) at least 1 entity described in clause (ii) of subparagraph (A).*

*"(b) NATIONAL COMMITTEE ON CULTURAL PARTNERSHIPS FOR AT-RISK CHILDREN AND YOUTH.—*

*"(1) ESTABLISHMENT.—There is established a committee to be known as the National Committee on Cultural Partnerships for At-Risk Children and Youth (referred to in this title as the 'Committee').*

*"(2) MEMBERSHIP.—The Committee shall be comprised of 8 members, of whom—*

*"(A) 2 members shall be appointed by the Secretary of Education;*

*"(B) 2 members shall be appointed by the Chairperson of the National Endowment for the Humanities;*

*"(C) 2 members shall be appointed by the Chairperson of the National Endowment for the Arts; and*

*"(D) 2 members shall be appointed by the Director of the Institute of Museum Services.*

*"(c) AWARD OF SUBGRANTS.—*

*"(1) IN GENERAL.—The Committee shall award subgrants under this title to eligible entities seeking to carry out programs designed to—*

*"(A) promote and enhance educational and cultural activities;*

*"(B) provide integration of community cultural resources into the regular curriculum and school day;*

*"(C) focus school and cultural resources in the community on coordinated cultural services to address the needs of at-risk children and youth;*

*"(D) provide effective cultural programs to facilitate the transition from preschool programs to elementary school programs, including programs under the Head Start Act and part H of the Individuals with Disabilities Education Act;*

*"(E) facilitate school-to-work transition from secondary schools and alternative schools to job*

*training, higher education, and employment through educational programs and activities that utilize school resources;*

*"(F) increase parental and community involvement in the educational, social, and cultural development of at-risk children and youth; or*

*"(G) develop programs and strategies that—*

*"(i) provide high-quality coordinated educational and cultural services; and*

*"(ii) are designed to integrate such coordination into the regular curriculum and to replicate the services in other schools.*

*"(2) SPECIAL RULE.—Subgrants awarded under this title shall be of sufficient size, scope, and quality to be effective.*

*"(3) COORDINATION.—(A) The Committee shall award subgrants under this title only to eligible entities that agree to coordinate activities carried out under this part with other Federal, State, and local programs designed to serve the purposes and target populations described in this title.*

*"(B) The Committee shall award subgrants under this title so as to ensure nonduplication of services provided by subgrant recipients and services provided by—*

*"(i) the National Endowment for the Humanities;*

*"(ii) the National Endowment for the Arts; and*

*"(iii) the Institute for Museum Services.*

*"(4) GEOGRAPHIC DISTRIBUTION.—In awarding subgrants under this title the Committee, to the extent feasible, shall ensure an equitable geographic distribution of such subgrants.*

*"(5) PRIORITY.—In awarding subgrants under this title the Committee may give priority to eligible entities that provide comprehensive services that extend beyond traditional school or service hours.*

*"(6) RENEWAL.—The recipient of a subgrant under this title may be eligible for funding for a maximum of 5 years, if the Committee determines that the eligible recipient has made satisfactory progress toward the achievement of the program goals described in the application.*

*"(7) CRITERIA AND PROCEDURES.—The Committee shall establish and transmit to the Secretary criteria and procedures for awarding subgrants under this title. The Secretary shall publish such criteria and procedures in the Federal Register.*

*"(d) APPLICATION.—*

*"(1) IN GENERAL.—Each eligible entity seeking a subgrant under this title shall submit an application to the Committee at such time, in such manner, and accompanied by such information as the Committee may reasonably require.*

*"(2) CONTENTS.—Each application submitted to the Committee pursuant to paragraph (1) shall—*

*"(A) describe the cultural entity or entities that will participate in the partnership;*

*"(B) describe the target population to be served;*

*"(C) describe the services to be provided;*

*"(D) describe a plan for evaluating the success of the program;*

*"(E) in the case of each local educational agency or school participating in the eligible recipient partnership, describe how the activities assisted under this title will be perpetuated beyond the duration of the subgrant;*

*"(F) describe the manner in which the eligible entity will seek to improve the educational achievement or future potential of at-risk children and youth through more effective coordination of cultural services in the community;*

*"(G) describe the overall and operational goals of the program; and*

*"(H) describe training that will be provided to individuals who are not trained to work with children and youth, and how teachers will be involved.*

*"(e) TARGET POPULATION.—To be eligible for a subgrant under this title, an eligible entity shall serve—*

*"(1) students enrolled in schools participating in a schoolwide program under section 1114 and the families of such students to the extent practicable;*

*"(2) out-of-school children and youth at risk of disadvantages resulting from teenage parenting, substance abuse, recent migration, disability, limited-English proficiency, illiteracy, being the child of a teenage parent, living in a single parent household, or dropping out of school; or*

*"(3) any combination of in-school and out-of-school at-risk children and youth.*

***"SEC. 11104. AUTHORIZED ACTIVITIES.***

*"(a) IN GENERAL.—Subgrants awarded under this title may be used—*

*"(1) to plan, develop, acquire, expand, and improve school-based or community-based coordinated educational and cultural programs to strengthen the educational performance and future potential of in-school or out-of-school at-risk children and youth through grants, cooperative agreements, contracts for services, or administrative coordination;*

*"(2) to provide at-risk students with integrated cultural activities designed to develop a love of learning that fosters the smooth transition of preschool children to elementary school;*

*"(3) to design collaborative cultural activities for students in secondary or alternative schools that ensure the smooth transition to job training, higher education, or full employment;*

*"(4) to provide child care for children of at-risk students who would not otherwise be able to participate in the program;*

*"(5) to provide transportation necessary for participation in the program;*

*"(6) to develop curriculum materials in the arts;*

*"(7) for staff development activities that encourage the integration of the arts into the curriculum;*

*"(8) for stipends that allow local arts and humanities professionals to work with at-risk children and youth in schools;*

*"(9) for training individuals who are not trained to work with children and youth;*

*"(10) for cultural programs that encourage the active participation of parents in the education of their children;*

*"(11) for programs that use the arts and culture to reform current school practices, including lengthening the school day or academic year;*

*"(12) for equipment or supplies that the Committee determines appropriate; and*

*"(13) for evaluation, administration, and supervision.*

*"(b) TEACHERS.—Each recipient of a subgrant under this title serving in-school children and youth shall carry out the activities described in the application with the involvement of a certified teacher or trained instructor.*

***"SEC. 11105. PLANNING SUBGRANTS.***

*"(a) IN GENERAL.—The Committee may award planning subgrants to eligible entities under this title.*

*"(b) AMOUNT.—A planning subgrant shall be in an amount not to exceed $50,000.*

*"(c) DURATION.—A planning subgrant shall be for a period of not more than 1 year.*

*"(d) LIMITATIONS.—An eligible entity may receive not more than 1 planning subgrant under this section.*

***"SEC. 11106. PAYMENTS; AMOUNTS OF AWARD; COST SHARE; LIMITATIONS.***

*"(a) PAYMENTS.—The Secretary shall pay to each eligible entity having an application approved under section 11103, the Federal share of the cost of the activities described in the application.*

*"(b) COST SHARE.—*

*"(1) FEDERAL SHARE.—The Federal share of a subgrant under this title shall be 80 percent of the cost of carrying out the activities described in the application.*

*"(2) NON-FEDERAL SHARE.—The non-Federal share of a subgrant under this title shall be 20 percent of the cost of carrying out the activities described in the application and may be in cash or in kind, fairly evaluated, including the provision of equipment, services, or facilities.*

*"(c) LIMITATIONS.—*

*"(1) NONINSTRUCTIONAL SERVICES.—Not more than 25 percent of the subgrant funds provided in any fiscal year under this title may be used for noninstructional activities such as the activities described in paragraphs (4), (5), and (12) of section 11104(a).*

*"(2) SUPPLEMENT AND NOT SUPPLANT.—Subgrant funds awarded under this title shall be used to supplement and not supplant the amount of funds made available from non-Federal sources, for the activities assisted under this title.*

***"SEC. 11107. MODELS.***

*"The Secretary, in consultation with the Committee, shall disseminate information concerning successful models under this title through the National Diffusion Network.*

***"SEC. 11108. AUTHORIZATION OF APPROPRIATIONS.***

*"(a) AUTHORIZATION.—Subject to subsection (b), there are authorized to be appropriated to carry out this title, $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years.*

*"(b) LIMITATIONS.—*

*"(1) CONTINGENT APPROPRIATIONS.—Notwithstanding any other provision of law, no amounts shall be made available to carry out this title in any fiscal year unless there is appropriated—*

*"(A) not less than $177,000,000 for the National Endowment for the Humanities under the National Foundation on the Arts and the Humanities Act of 1965;*

*"(B) not less than $170,000,000 for the National Endowment for the Arts under such Act; and*

*"(C) not less than $28,000,000 for the Institute for Museum Services under the Museum Services Act.*

*"(2) PLANNING SUBGRANTS.—Not more than 10 percent of the amount appropriated in each fiscal year pursuant to subsection (a) shall be used for planning subgrants under section 11105.*

***"TITLE XII—DISCLOSURE REQUIREMENTS***

***"SEC. 12001. DEFINITIONS.***

*"As used in this title:*

*"(1) DISABILITY.—The term 'disability' has the same meaning given to such term by section 3(2) of the Americans with Disabilities Act of 1990.*

*"(2) EDUCATIONAL ORGANIZATION.—(A) Except as provided in subparagraphs (B) and (C), the term 'educational organization' means any organization or entity that—*

*"(i) provides an educational program for a fee; and*

*"(ii) recruits students through means such as commercial media, direct mailings, school recruitment programs, school administrators, teachers or staff, or current or former participants in an educational program offered by such organization or entity.*

*"(B) Such term does not include—*

*"(i) a local educational agency, a State educational agency, a State department of education, or an elementary or secondary school;*

*"(ii) an institution of higher education; or*

*"(iii) a local organization sponsored by an elementary or secondary school, a recreational organization, an entertainment organization, a local sports activity group, or a social club.*

"(C) For the purpose of section 12002 only, such term—

"(i) except as provided in clause (ii), does not include an organization or entity that provides an educational program if such organization or entity recruits, for participation in such program, solely through a local school official; and

"(ii) includes any such organization or entity that offers a local school official, teacher or other school personnel compensation or any other benefit for such recruitment, except that payment of the expenses incurred by a local school official, teacher or other school personnel in performing chaperone activities related to such program shall not be considered compensation or a benefit for such recruitment.

"(3) EDUCATIONAL PROGRAM.—(A) Except as provided in subparagraph (B), the term 'educational program' means a special honors program, seminar, citizenship experience, government study program, educational vacation, student exchange program, or other educational experience or honor—

"(i) that is generally directed toward minors or secondary school students;

"(ii) for which a tuition or enrollment fee is charged;

"(iii) that is offered away from a student's regular place of school attendance;

"(iv) that includes not less than 1 supervised night away from home; and

"(v) that is intended to enhance a student's regular course of study.

"(B) Such term does not include a recreational program, or a social or religious activity.

"(4) LOCAL SCHOOL OFFICIAL.—The term 'local school official' means the highest administrative official serving a school district, or such individual's designee.

"(5) MINOR.—The term 'minor' means an individual who has not attained the age of 18.

"(6) MEMBERSHIP ORGANIZATION.—The term 'membership organization' includes any organization that maintains a membership list or collects dues or membership fees from its members.

"(7) RECREATIONAL ORGANIZATION.—The term 'recreational organization' includes any organization or entity that has as its primary function pleasure, amusement, or sports activities.

"(8) RECREATIONAL PROGRAM.—The term 'recreational program' includes any activity or service that is intended as an entertainment pastime.

**"SEC. 12002. DISCLOSURE REQUIREMENTS.**

"Each educational organization, prior to enrolling a minor and prior to accepting funds for the cost of a minor's participation in an educational program operated by such organization, shall disclose the following information in written form to the minor or the minor's parent:

"(1) METHOD OF SOLICITATION AND SELECTION.—The method of solicitation and selection of participants in the educational program, including—

"(A) the origin of any mailing list used for such solicitation and selection;

"(B) any recruitment through a local school official, teacher or school personnel, including any compensation or other benefit offered to such official, teacher or personnel for the recommendation of a minor for participation in the educational program;

"(C) any open enrollment activity, including the method of outreach; and

"(D) any cooperation with, or sponsorship by, a membership organization, including a description of the cooperation or sponsorship and the name of each such organization.

"(2) COSTS AND FEES.—Information regarding the cost of the educational program and information regarding the distribution of any enrollment fee, including—

"(A) the amount paid for, and the percentage of the total educational program cost of, each feature of the educational program, including—

"(i) food;

"(ii) lodging;

"(iii) transportation;

"(iv) program staffing;

"(v) textbooks, syllabi, or other scholastic educational program materials;

"(vi) speaker fees; and

"(vii) administrative expenses, including expenses related to—

"(I) the preparation of non-scholastic educational program materials;

"(II) the provision of financial assistance;

"(III) mailing list rental or other recruitment activity; and

"(IV) administrative salaries and consulting fees;

"(B) the identity of the organization or business providing each of the features described in clauses (i) through (vii) of subparagraph (A); and

"(C) the nature of any relationship of any board member, officer, or employee of the educational organization to any organization or business described in subparagraph (B), including the salary or other compensation paid by such organization or business to such Board member, officer, or employee.

**"SEC. 12003. NONDISCRIMINATORY ENROLLMENT AND SERVICE POLICY.**

"(a) IN GENERAL.—Each educational organization shall include a verifiable statement in all enrollment or recruitment material that the educational organization does not—

"(1) fail or refuse to hire, or discharge, any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment; or

"(2) exclude any student from participation in an educational program, discriminate against any student in providing the benefits associated with such program (including any scholarship or financial assistance, and use of any facility), or subject the student to discrimination under such program,

on the basis of race, disability, or residence in a low-income area.

"(b) CONSTRUCTION.—Nothing in this section shall be construed to entitle a student to—

"(1) participation in an educational program or any benefit associated with such program; or

"(2) a waiver of any fee charged for such participation or benefit.

**"SEC. 12004. ENFORCEMENT.**

"The Secretary shall—

"(1)(A) widely disseminate information about the requirements of this title to State and local school officials and parents; and

"(B) require educational organizations to submit appropriate information or assurances regarding such organizations' compliance with this title; and

"(2) take whatever other steps the Secretary determines are appropriate to enforce this title, including—

"(A) promulgating regulations;

"(B) establishing a complaint process;

"(C) referring complaints to the relevant Federal, State, or local authorities for appropriate action;

"(D) alerting educational agencies, schools, and parents to the practices of educational organizations that violate the provisions of this title; and

"(E) imposing civil fines (not to exceed $1,000 per violation) on educational organizations that knowingly violate this title.

## "TITLE XIII—TARGETED ASSISTANCE PROGRAM

## "PART A—GENERAL PROVISIONS

**"SEC. 13101. ALLOTMENT TO STATES.**

"(a) RESERVATIONS.—From the sums appropriated to carry out this title in any fiscal year, the Secretary shall reserve not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Northern Mariana Islands, and Palau, to be allotted in accordance with their respective needs for assistance under this title.

"(b) ALLOTMENT.—From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to one-half of 1 percent of such remainder.

"(c) DEFINITIONS.—For purposes of this section—

"(1) The term 'school-age population' means the population aged 5 through 17.

"(2) The term 'States' includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

**"SEC. 13102. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.**

"(a) DISTRIBUTION RULE.—From the sum made available each year under section 13101, the State educational agency shall distribute not less than 80 percent to local educational agencies within such State according to the relative enrollments in public and private, nonprofit schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(1) children living in areas with high concentrations of low-income families;

"(2) children from low-income families; and

"(3) children living in sparsely populated areas.

"(b) CALCULATION OF ENROLLMENTS.—

"(1) IN GENERAL.—The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

"(A) the number of children enrolled in public schools; and

"(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this title,

for the fiscal year preceding the fiscal year in which the determination is made. Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this title.

"(2) ADJUSTMENTS.—(A) Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

"(i) children living in areas with high concentrations of low-income families;

"(ii) children from low-income families; or

"(iii) children living in sparsely populated areas.

"(B) The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under paragraph (1) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

"(c) PAYMENT OF ALLOCATIONS.—

"(1) DISTRIBUTION.—From the funds paid to a State educational agency pursuant to section

*13101 for a fiscal year, such agency shall distribute to each eligible local educational agency which has submitted an application as required in section 13303 the amount of its allocation as determined under subsection (a).*

*"(2) ADDITIONAL FUNDS.—(A) Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.*

*"(B) In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.*

*"(C) The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.*

***"PART B—STATE PROGRAMS***

***"SEC. 13201. STATE USES OF FUNDS.***

*"(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds reserved for State use under this title only for—*

*"(1) State administration of programs under this title including—*

*"(A) supervision of the allocation of funds to local educational agencies;*

*"(B) planning, supervision, and processing of State funds; and*

*"(C) monitoring and evaluation of programs and activities under this title; and*

*"(2) technical assistance and direct grants to local educational agencies and statewide activities which assist local educational agencies to provide targeted assistance as provided in section 13301.*

*"(b) LIMITATIONS AND REQUIREMENTS.—Not more than 25 percent of funds available for State programs under this title in any fiscal year may be used for State administration under subsection (a)(1).*

***"SEC. 13202. STATE APPLICATIONS.***

*"(a) APPLICATION REQUIREMENTS.—Any State which desires to receive grants under this title shall submit to the Secretary an application which—*

*"(1) designates the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this title;*

*"(2) sets forth planned allocation of funds reserved for State use under section 13102(a) among the targeted assistance programs described in section 13301 and describes programs, projects, and activities which are designed to carry out such targeted assistance, together with the reasons for the selection of such programs, projects, and activities;*

*"(3) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2);*

*"(4)(A) provides for a biennial submission of data on the use of funds, the types of services furnished, and the students served under this title;*

*"(B) provides for an evaluation of the effectiveness of programs assisted under this title;*

*"(5) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this title);*

*"(6) provides assurance that, apart from technical and advisory assistance and monitoring compliance with this title, the State educational agency has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditures made pursuant to an application under section 13301;*

*"(7) provides the following information: (A) how the State will adjust its formula to comply with section 13102(b)(2), (B) how children under section 13102(b)(2)(A) are defined, (C) the basis on which a determination of the local educational agencies under section 13102(b)(2)(A) is made, and (D) the percentage of the State grant which is proposed to be allotted on an adjusted basis under section 13102; and*

*"(8) contains assurances that there is compliance with the specific requirements of this title.*

*"(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.*

*"(c) AUDIT RULE.—Notwithstanding section 1745 of the Omnibus Budget Reconciliation Act of 1981, local educational agencies receiving less than an average $5,000 each year under this title need not be audited more frequently than once every 5 years.*

***"PART C—LOCAL TARGETED ASSISTANCE PROGRAMS***

***"SEC. 13301. TARGETED USE OF FUNDS.***

*"(a) GENERAL RULE.—Funds allocated for use under this title shall be used by State and local educational agencies for targeted assistance described in subsection (b).*

*"(b) TARGETED ASSISTANCE.—The targeted assistance programs referred to in subsection (a) are—*

*"(1) programs for the acquisition and use of instructional and educational materials, including library books, reference materials, computer software and hardware for instructional use, and other curricular materials that will be used to improve student achievement;*

*"(2) programs to improve the higher order thinking skills of economically disadvantaged elementary and secondary school students and to prevent students from dropping out of school;*

*"(3) programs to combat illiteracy in the student and adult population, including parent illiteracy;*

*"(4) programs to provide for the educational needs of gifted and talented children;*

*"(5) school facility repair, renovation, improvement and construction;*

*"(6) school reform activities that are consistent with the Goals 2000: Educate America Act for local educational agencies that do not receive assistance under that Act; and*

*"(7) school improvement programs or activities under sections 1118 and 1119.*

***"SEC. 13302. AUTHORIZED ACTIVITIES.***

*"(a) IN GENERAL.—Activities authorized under this part may include the planning, development, or operation and expansion of programs, projects, and activities which are designed to carry out the targeted assistance described in section 13301. Such activities may include—*

*"(1) training of educational personnel and education policymakers in any of the targeted assistance programs described in section 13301;*

*"(2) guidance and pupil services; and*

*"(3) any other education or related activities which the State or local educational agency determines will contribute to improving the programs described in section 13301.*

*"(b) ADMINISTRATIVE AUTHORITY.—In order to conduct the activities authorized by this title, each State or local educational agency may use funds reserved for this title to make grants to and to enter into contracts with local educational agencies, educational service agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.*

***"SEC. 13303. LOCAL APPLICATIONS.***

*"(a) CONTENTS OF APPLICATION.—A local educational agency or consortia of local educational agencies may receive an allocation of funds under this title for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—*

*"(1) sets forth the planned allocation of funds among targeted assistance programs described in section 13301 and describes the programs, projects, and activities designed to carry out such targeted assistance which the State educational agency intends to support, together with the reasons for the selection of such programs, projects, and activities;*

*"(2) describes how assistance under this title will contribute to the goals of the program of improving student achievement or improving the quality of education for students;*

*"(3) agrees to keep such records, and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this title; and*

*"(4) provides, in the allocation of funds for the assistance authorized by this title, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary and secondary schools in the area served by the local agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this title (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.*

*"(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds among programs and purposes authorized by this title for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.*

*"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this title, a local educational agency shall have complete discretion in determining how funds under this part shall be divided among the areas of targeted assistance of this part. In exercising such discretion, a local educational agency shall ensure that expenditures under this part carry out the purposes of this title and are intended to meet the educational needs within the schools of that local educational agency.*

***"PART D—AUTHORIZATION OF APPROPRIATIONS***

***"SEC. 13401. AUTHORIZATION OF APPROPRIATIONS.***

*"There are authorized to be appropriated $325,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.*

***"TITLE XIV—NATIONAL EDUCATION STATISTICS***

***"SEC. 14001. SHORT TITLE.***

*"This part may be cited as the 'National Education Statistics Act of 1994'.*

***"SEC. 14002. FINDINGS; PURPOSE; DEFINITIONS.***

*"(a) FINDINGS.—The Congress finds that—*

*"(1) a Department Office of Education was established in 1867 'for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of schools and school systems and*

*methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education throughout the country';*

*"(2) today, while the role of the current Department of Education is much broader, the National Center for Education Statistics within the Office of Educational Research and Improvement continues to perform those crucial original purposes; and*

*"(3) looking to the 21st Century, the National Center for Education Statistics must be able to design and undertake, effectively and efficiently, statistical activities that will aid in the reform of our Nation's educational systems.*

*"(b) PURPOSE.—It is the purpose of this part to ensure the continuation of an effective mechanism for collecting and reporting statistics and information showing the condition and progress of education in the United States and other nations in order to promote and accelerate the improvement of American education.*

*"(c) DEFINITIONS.—For the purpose of this part, the term—*

*"(1) 'Assistant Secretary' means the Assistant Secretary for Educational Research and Improvement provided for under section 202(b)(1)(E) of the Department of Education Organization Act; and*

*"(2) 'State' and 'United States'—*

*"(A) other than for the purpose of section 14011, mean each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and*

*"(B) for the purpose of section 14011, include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.*

***"SEC. 14003. NATIONAL CENTER FOR EDUCATION STATISTICS.***

*"(a) ESTABLISHMENT.—There is established, within the Office of Educational Research and Improvement established under section 209 of the Department of Education Organization Act, a National Center for Education Statistics (hereafter in this part referred to as the 'Center').*

*"(b) COMMISSIONER AND ASSOCIATE COMMISSIONERS.—*

*"(1) COMMISSIONER.—The Center shall be headed by a Commissioner of Education Statistics (hereafter in this part referred to as the 'Commissioner') who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—*

*"(A) have substantial knowledge of programs encompassed by under the authority of the Center;*

*"(B) be paid in accordance with section 5315 of title 5, United States Code; and*

*"(C) serve for a term of 4 years, with the terms to expire every fourth June 21, beginning in 1995.*

*"(2) ASSOCIATE COMMISSIONERS.—The Commissioner may appoint such Associate Commissioners as the Commissioner determines are necessary and appropriate.*

***"SEC. 14004. DUTIES OF THE CENTER.***

*"(a) DUTIES.—The Center shall collect, analyze, and disseminate statistics and other information related to education in the United States and in other nations, including—*

*"(1) acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics on the condition and progress of education in the United States, including data on—*

*"(A) State and local education reform;*

*"(B) student achievement and other educational outcomes, including data on secondary school completions, dropouts, and adult literacy, which education statistics and data, whenever feasible, shall be collected, analyzed, cross-tabulated and reported by sex, race or ethnicity, and socioeconomic status;*

*"(C) educational access and opportunity, including data on financial aid to postsecondary students;*

*"(D) teaching, including data on curriculum, instruction, the conditions of the education workplace, and the supply of, and demand for, teachers, which may include data on the proportions of women and men cross-tabulated by race or ethnicity, teaching in subjects in which such individuals have been historically underrepresented;*

*"(E) the learning environment, including data on libraries and the incidence of crime, violence, and substance abuse;*

*"(F) the financing and management of education, including data on revenues and expenditures; and*

*"(G) the social and economic status of children;*

*"(2) conducting and publishing reports and analyses of the meaning and significance of such statistics;*

*"(3) conducting longitudinal studies, as well as regular and special surveys and data collections, necessary to report on the condition and progress of education;*

*"(4) assisting public and private educational agencies, organizations, and institutions in improving and automating their statistical and data collection activities; and*

*"(5) acquiring and disseminating data on educational activities and student achievement in the United States compared with those in foreign nations.*

*"(b) SPECIAL RULE.—The Center shall ensure that education statistics and data described in subsection (a)(1), whenever feasible, are collected, analyzed, cross-tabulated and reported by sex, race or ethnicity, and socioeconomic status;*

*"(c) TRAINING PROGRAM.—The Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of the Center's standard statistical procedures and concepts and may establish a fellows program to temporarily appoint such employees as temporarily fellows at the Center in order to assist the Center in carrying out its duties.*

***"SEC. 14005. PERFORMANCE OF DUTIES.***

*"(a) IN GENERAL.—In carrying out the Commissioner's duties under this part, the Commissioner may enter into grants, contracts, and cooperative agreements.*

*"(b) GATHERING INFORMATION.—*

*"(1) SAMPLING.—The Commissioner may use the statistical method known as sampling to carry out the purpose of this part.*

*"(2) SOURCE OF INFORMATION.—The Commissioner may, as the Commissioner considers appropriate, use information collected—*

*"(A) from States, local educational agencies, schools, institutions of higher education, libraries, administrators, teachers, students, the general public, and such other individuals, organizations, agencies, and institutions as the Commissioner may consider appropriate; and*

*"(B) by other offices within the Department and by other Federal departments, agencies, and instrumentalities.*

*"(3) COLLECTION.—The Commissioner may—*

*"(A) enter into interagency agreements for the collection of statistics;*

*"(B) arrange with any agency, organization, or institution for the collection of statistics; and*

*"(C) assign employees of the Center to any such agency, organization, or institution to assist in such collection.*

*"(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Federal efforts to serve the educational needs of children and youth, the Commissioner shall—*

*"(A) provide technical assistance to Department offices that gather data for statistical purposes; and*

*"(B) coordinate closely with other Department offices in the collection of data.*

***"SEC. 14006. REPORTS.***

*"(a) REPORT ON THE CONDITION AND PROGRESS OF EDUCATION.—The Commissioner shall, not later than June 1, 1995, and each succeeding June 1 thereafter, submit to the President and the Congress a statistical report on the condition and progress of education in the United States.*

*"(b) STATISTICAL REPORTS.—The Commissioner shall issue regular statistical reports to the President and Congress on such education topics as the Commissioner determines to be appropriate.*

*"(c) SPECIAL REPORTS.—The Commissioner may, whenever the Commissioner considers it appropriate, issue special reports on particular education topics.*

***"SEC. 14007. ADVISORY COUNCIL ON EDUCATION STATISTICS.***

*"(a) ESTABLISHMENT.—There is established, within the Center, an Advisory Council on Education Statistics (hereafter in this Act referred to as the 'Council').*

*"(b) MEMBERSHIP.—*

*"(1) COMPOSITION.—The Council shall be composed of—*

*"(A) 15 voting members who are users of education data and who are appointed by the Secretary on the basis of their experience and eminence within the field of education statistics, of whom at least—*

*"(i) three shall be educators;*

*"(ii) three shall be education policymakers;*

*"(iii) three shall be professional statisticians; and*

*"(iv) three shall be education researchers;*

*"(B) the Director of the Bureau of the Census and the Commissioner of the Bureau of Labor Statistics, as voting, ex officio members; and*

*"(C) the Assistant Secretary and the Commissioner, as nonvoting, ex officio members.*

*"(2) PRESIDING OFFICER.—The Secretary shall appoint the presiding officer of the Council from among the voting members of the Council.*

*"(3) TERMS.—Members of the Council appointed under paragraph (1)(A) shall be appointed for 3-year terms except that, in the case of initial appointments, the Secretary shall make appointments for shorter terms to the extent necessary to avoid the expiration of the terms of more than 5 members in the same calendar year.*

*"(4) MEETINGS.—*

*"(A) IN GENERAL.—The Council shall meet at the call of the presiding officer, except that the Council shall meet—*

*"(i) at least 2 times during each calendar year; and*

*"(ii) in addition, whenever 8 voting members request in writing that the presiding officer call a meeting.*

*"(B) QUORUM.—Nine voting members of the Council shall constitute a quorum.*

*"(5) SPECIAL RULE.—The Council shall review general policies for the operation of the Center and shall advise the Commissioner on standards to ensure that statistics and other information disseminated by the Center are of high quality and are not subject to partisan political influence.*

***"SEC. 14008. CONFIDENTIALITY.***

*"(a) CONFIDENTIALITY STANDARDS.—*

*"(1) IN GENERAL.—The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this section. This section shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies that receive grants from, or have contracts or cooperative agreements with, the Federal Government.*

"(2) PROHIBITION.—No person may—

"(A) use any individually identifiable information furnished under this part for any purpose other than a statistical purpose;

"(B) make any publication whereby the data furnished by any particular person under this part can be identified; or

"(C) permit anyone other than the individuals authorized by the Commissioner to examine the individual reports.

"(b) ADMINISTRATION.—

"(1) IN GENERAL.—No department, bureau, agency, officer, or employee of the Federal Government, except the Commissioner in carrying out the purposes of this part, shall require, for any reason, copies of reports that have been filed under this part with the Center or retained by any individual respondent. Copies of such reports that have been so filed or retained with the Center or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall apply only to individually identifiable information (as defined in paragraph (4)(A)).

"(2) EMPLOYEE OR STAFF VIOLATIONS.—Whoever, being or having been an employee or staff member of the Department, having taken or subscribed the oath of office, or having sworn to observe the limitations imposed by subsection (a)(2), knowingly publishes or communicates any individually identifiable information (as defined in paragraph (4)(A)), the disclosure of which is prohibited by subsection (a)(2), and that comes into such employee or staff's possession by reason of employment (or otherwise providing services) under this part, shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18, United States Code, or both.

"(3) TEMPORARY STAFF.—The Commissioner may utilize temporary staff, including employees of Federal, State, or local agencies or instrumentalities (including local educational agencies), and employees of private organizations to assist the Center in performing its responsibilities, but only if such temporary staff are sworn to observe the limitations imposed by this section.

"(4) DEFINITIONS.—For the purposes of this section—

"(A) the term 'individually identifiable information' means any record, response form, completed survey, or aggregation thereof from which information about particular individuals may be revealed; and

"(B) the term 'report' means a response provided by or about an individual to an inquiry from the Center and does not include a statistical aggregation from which individually identifiable information cannot be revealed.

"(5) VIOLATIONS.—Any person who uses any data provided by the Center, in conjunction with any other information or technique, to identify any individual student, teacher, administrator, or other individual and who knowingly discloses, publishes, or uses such data for a purpose other than a statistical purpose, or who otherwise violates subparagraph (A) or (B) of subsection (a)(2), shall be found guilty of a class E felony and imprisoned for not more than 5 years, or fined as specified in section 3571 of title 18, United States Code, or both.

"(6) ACCESS TO REPORTS OR RECORDS.—Nothing in this section shall restrict the right of the Secretary, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Librarian of Congress to gain access to any reports or other records, including information identifying individuals, in the Center's possession, except that the same restrictions on disclosure that apply under paragraphs (1) and (5) of subsection (b) shall apply to such individuals.

**"SEC. 14009. DISSEMINATION.**

"(a) GENERAL REQUESTS.—

"(1) IN GENERAL.—The Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

"(2) COMPILATIONS.—The Center shall provide State and local educational agencies opportunities to suggest the development of particular compilations of statistics, surveys, and analyses that would assist those educational agencies.

"(b) CONGRESSIONAL REQUESTS.—The Center shall furnish such special statistical compilations and surveys as the Congress may request.

"(c) JOINT STATISTICAL PROJECTS.—The Secretary may engage in joint statistical projects related to the purposes of this part, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

"(d) FEES.—

"(1) IN GENERAL.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

"(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used for the fiscal year for which such funds are received to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

"(e) ACCESS.—

"(1) OTHER FEDERAL AGENCIES.—The Center shall, consistent with section 14008, participate with other Federal agencies having a need for educational data in providing access to educational data received by the Center.

"(2) INTERESTED PARTIES.—The Center shall, in accordance with such terms and conditions as the Secretary may prescribe, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for the purposes of research and acquiring statistical information.

**"SEC. 14010. COOPERATIVE EDUCATION STATISTICS SYSTEMS.**

"(a) IN GENERAL.—The Commissioner may establish one or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on elementary and secondary education, postsecondary education, and libraries, that are useful for policymaking at the Federal, State, and local levels. In carrying out this section, the Commissioner may provide technical assistance, and make grants and enter into contracts and cooperative agreements.

"(b) MODEL DATA SYSTEM.—

"(1) STUDY; DESIGN; PILOT.—The Commissioner, working through the cooperative education statistics system, shall study, design, and pilot a model data system that will yield information about spending for administration at the school and local educational agency levels.

"(2) STUDY AND REPORT.—Upon the date of completion of the pilot model data system described in paragraph (1), the Secretary shall study the information obtained through the use of such data system and other relevant information, as well as any other data systems which are in use on such date that account for administrative expenses at the school and local educational agency level, and shall report to the Congress not later than six months after such date regarding—

"(A) the potential for the reduction of administrative expenses at the school and local educational agency levels;

"(B) the potential usefulness of such data system to reduce such administrative expenses;

"(C) any other methods which may be employed by schools, local educational agencies or State educational agencies to reduce administrative expenses and maximize the use of funds for functions directly affecting student learning; and

"(D) if appropriate, steps which may be taken to assist schools, local educational agencies and State educational agencies to account for and reduce administrative expenses.

**"SEC. 14011. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.**

"(a) ESTABLISHMENT.—The Commissioner shall, with the advice of the National Assessment Governing Board established by section 14012, carry out, through grants, contracts, or cooperative agreements with one or more qualified organizations, or consortia thereof, a National Assessment of Educational Progress (hereafter in this part referred to as the 'National Assessment').

"(b) PURPOSE; STATE ASSESSMENTS.—

"(1) PURPOSE.—The purpose of the National Assessment is to provide a fair and accurate presentation of educational achievement in reading, writing, and the other subjects included in the third National Education Goal, regarding student achievement and citizenship. The Commissioner, in carrying out the National Assessment, shall use sampling techniques that produce data that are representative on a national and regional basis and on a State basis pursuant to paragraph (2). In addition, the Commissioner shall—

"(A) collect and report data on a periodic basis, but at least once every 2 years, on students at ages 9, 13, and 17 and in grades 4, 8, and 12;

"(B) report achievement data on a basis that ensures valid and reliable trend reporting;

"(C) include, whenever feasible, information collected, cross-tabulated, analyzed, and reported by sex, race or ethnicity and socioeconomic status;

"(D) collect and report data on students receiving services under part A of title I; and

"(E) ensure that achievement data are made available on a timely basis following official reporting, in a manner that facilitates further analysis.

"(2) STATE ASSESSMENTS.—

"(A) IN GENERAL.—The Commissioner, in carrying out the National Assessment, may conduct State assessments of student achievement in grades 4, 8, and 12.

"(B) STATE PARTICIPATION.—States wishing to participate in State assessments shall enter into an agreement with the Secretary pursuant to subsection (d)(2). Such agreement shall contain information sufficient to give States full information about the process for consensus decision-making on objectives to be tested, required in section 14012(e)(5), and of the standards for sampling, test administration, test security, data collection, validation, and reporting.

"(C) STATE REVIEW AND RELEASE OF RESULTS.—A participating State shall review and give permission for the release of results from any test of its students administered as a part of a State assessment prior to the release of such data. Refusal by a State to release its data shall not restrict the release of data from other States that have approved the release of such data.

"(3) PROHIBITED DATA.—In carrying out the National Assessment, the Commissioner shall not collect any data that are not directly related to the appraisal of educational performance, achievement, and traditional demographic reporting variables, or to the fair and accurate presentation of such information.

"(4) TECHNICAL ASSISTANCE.—In carrying out the National Assessment, the Commissioner may provide technical assistance to States, localities, and other parties.

"(c) ACCESS.—

"(1) PUBLIC ACCESS.—Except as provided in paragraph (2), the public shall have access to all data, questions, and test instruments of the National Assessment.

"(2) PERSONALLY IDENTIFIABLE INFORMATION.—

"(A) IN GENERAL.—The Commissioner shall ensure that all personally identifiable information about students, their educational performance, and their families, and that information with respect to individual schools, remains confidential, in accordance with section 552a of title 5, United States Code.

"(B) SPECIAL RULE.—Notwithstanding any other provision of law, the Secretary may decline to make available to the public for a period, not to exceed 10 years following their initial use, cognitive questions that the Secretary intends to reuse in the future.

"(C) TEST INSTRUMENTS.—The Secretary may, upon the request of a State educational agency or a local educational agency, make National Assessment test instruments available for assessing aggregate student achievement at the school or school district level. Before receiving such instruments, an agency shall provide assurances, satisfactory to the Secretary, that security requirements and testing protocols, prescribed by the Commissioner, will be complied with in the use of such instruments.

"(d) PARTICIPATION.—

"(1) NATIONAL AND REGIONAL.—Participation in the national and regional assessments by State and local educational agencies shall be voluntary.

"(2) STATE.—Participation in assessments made on a State basis shall be voluntary. The Secretary shall enter into an agreement with any State that desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to ensure that the State will—

"(A) participate in the assessment; and

"(B) pay from non-Federal sources the non-Federal share of participation.

"(3) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—For each fiscal year, the non-Federal share for the purpose of paragraph (2)(B) shall be—

"(i) the cost of conducting the assessment at the school level for all public schools in the State sample;

"(ii) the cost of coordination within the State; and

"(iii) other reasonable costs specified by the Secretary in the agreement described in paragraph (2).

"(B) SPECIAL RULE.—The non-Federal share of payments under this paragraph may be in cash or in kind, fairly valued.

"(C) ADMINISTRATIVE COSTS.—The agreement described in paragraph (2) shall describe the manner in which the costs of administering the assessment to private nonprofit schools included in the State sample may be met.

"(e) REVIEW OF NATIONAL AND STATE ASSESSMENTS.—The Secretary shall provide for continuing reviews of both national and State assessments, including evaluation studies by the Center and solicitation of public comment on the conduct and usefulness of the National Assessment. The Secretary shall report to the Congress, the President, and the Nation on the findings and recommendations of such reviews. The Commissioner shall consider the findings and recommendations in designing the competition to select the organization, or organizations, through which the Office carries out the National Assessment.

"(f) COVERAGE AGREEMENTS.—

"(1) DEPARTMENT OF DEFENSE SCHOOLS.—The Secretary and the Secretary of Defense may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment elementary and secondary schools operated by the Department of Defense.

"(2) BUREAU OF INDIAN AFFAIRS SCHOOLS.—The Secretary and the Secretary of the Interior may enter into an agreement, including such terms as are mutually satisfactory, to include in the National Assessment schools for Indian children operated or supported by the Bureau of Indian Affairs.

**"SEC. 14012. NATIONAL ASSESSMENT GOVERNING BOARD.**

"(a) ESTABLISHMENT.—There is established the National Assessment Governing Board (hereafter in this part referred to as the 'Board'), which shall formulate policy guidelines for the National Assessment.

"(b) MEMBERSHIP.—

"(1) APPOINTMENT AND COMPOSITION.—The Board shall be appointed by the Secretary and be composed of—

"(A) two Governors, or former Governors, who shall not be members of the same political party;

"(B) two State legislators, who shall not be members of the same political party;

"(C) two chief State school officers;

"(D) one superintendent of a local educational agency;

"(E) one member of a State board of education;

"(F) one member of a local board of education;

"(G) three classroom teachers representing the grade levels at which the National Assessment is conducted;

"(H) one representative of business or industry;

"(I) two curriculum specialists;

"(J) three testing and measurement experts, who shall have training and experience in the field of testing and measurement;

"(K) one nonpublic school administrator or policymaker;

"(L) two school principals, of whom one shall be an elementary school principal and one shall be a secondary school principal; and

"(M) four additional members who are representatives of the general public, including parents.

"(2) ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH.—The Assistant Secretary for Educational Research and Improvement shall serve as an ex officio, nonvoting member of the Board.

"(3) SPECIAL RULE.—The Secretary and the Board shall ensure at all times that the membership of the Board reflects regional, racial, gender, and cultural balance and diversity and that the Board exercises its independent judgment, free from inappropriate influences and special interests.

"(c) TERMS.—Members of the Board shall serve for terms not to exceed 4 years which shall be staggered, as determined by the Secretary. Any appointed member of the Board who changes status under subsection (b) during the term of the appointment of the member may continue to serve as a member until the expiration of such term.

"(d) VACANCIES.—As vacancies occur, new members of the Board shall be appointed by the Secretary from among individuals who are nominated by the Board after consultation with representatives of the groups listed in subsection (b)(1). For each vacancy, the Board shall nominate at least 3 individuals who, by reason of experience or training, are qualified in that particular Board vacancy.

"(e) DUTIES.—

"(1) IN GENERAL.—In carrying out its functions under this section the Board shall—

"(A) select subject areas to be assessed (consistent with section 14011(b)(1));

"(B) identify appropriate achievement goals for each age and grade in each subject area to be tested under the National Assessment;

"(C) develop assessment objectives;

"(D) develop test specifications;

"(E) design the methodology of the assessment;

"(F) develop guidelines for analysis plans and for reporting and disseminating results;

"(G) develop standards and procedures for interstate, regional, and national comparisons; and

"(H) take appropriate actions needed to improve the form and use of the National Assessment.

"(2) DELEGATION.—The Board may delegate any of the Board's procedural and administrative functions to its staff.

"(3) COGNITIVE ITEMS.—The Board shall have final authority on the appropriateness of cognitive items.

"(4) BIAS.—The Board shall take steps to ensure that all items selected for use in the National Assessment are free from racial, cultural, gender, or regional bias.

"(5) GOALS STATEMENTS.—Each learning area assessment shall have goal statements devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, local school administrators, parents, and concerned members of the general public.

"(f) PERSONNEL.—

"(1) IN GENERAL.—In the exercise of its responsibilities, the Board shall be independent of the Secretary and the other offices and officers of the Department.

"(2) STAFF.—The Secretary may appoint, at the direction of the Board, such staff as the Board requires. Such appointments may include, for terms not to exceed 3 years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, not more than 6 technical employees to administer this subsection, who may be paid 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.

"(g) COMMISSIONER REPORTS.—The Commissioner shall report to the Board at regular intervals on the Department's actions to implement the decisions of the Board.

"(h) ADMINISTRATION.—

"(1) LIMITATION.—Not to exceed 10 percent of the funds available for the National Assessment for any fiscal year may be used for administrative expenses (including staff, consultants, and contracts) and to carry out the Board's duties described in subsection (e).

"(2) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—For the purposes of its administrative functions, the Board shall have the authorities authorized by the Federal Advisory Committee Act and shall be subject to the open meeting provisions of that law.

**"SEC. 14013. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $100,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

**"TITLE XV—EDUCATION INFRASTRUCTURE**

**"SEC. 15001. SHORT TITLE.**

"This title may be cited as the 'Education Infrastructure Act of 1994'.

**"SEC. 15002. FINDINGS.**

"The Congress finds that—

"(1) improving the quality of public elementary and secondary school libraries, media centers, and facilities will help our Nation meet the National Education Goals;

"(2) Federal, State, and local funding for the repair, renovation, alteration and construction of public elementary and secondary school libraries, media centers, and facilities has not adequately reflected need; and

"(3) the challenges facing our Nation's public elementary and secondary schools require the concerted and collaborative efforts of all levels of government and all sectors of the community.

**"SEC. 15003. PURPOSE.**

"It is the purpose of this title to help our Nation meet the National Education Goals through the repair, renovation, alteration and construction of public elementary and secondary school libraries, media centers, and facilities, used for academic or vocational instruction.

**"SEC. 15004. DEFINITIONS.**

"For purposes of this title—

"(1) the term 'alteration' refers to any change to an existing property for use for a different purpose or function;

"(2) the term 'construction' refers to the erection of a building, structure, or facility, including the concurrent installation of equipment, site preparation, associated roads, parking, and utilities, which provides area or cubage not previously available, including—

"(A) freestanding structures, additional wings, or floors, enclosed courtyards or entryways, and any other means to provide usable program space that did not previously exist; and

"(B) the complete replacement of an existing facility;

"(3) the term 'eligible local educational agency' means a local educational agency which demonstrates in the application submitted under section 15006 that such agency—

"(A) has urgent repair, renovation, alteration and construction needs for its public elementary or secondary school libraries, media centers, and facilities, used for academic or vocational instruction; and

"(B) serves large numbers or percentages of disadvantaged students;

"(4) the term 'renovation' refers to any change to an existing property to allow its more efficient use within such property's designated purpose;

"(5) the term 'repair' refers to the restoration of a failed or failing real property facility, component, or a building system to such a condition that such facility, component, or system may be used effectively for its designated purpose, if, due to the nature or extent of the deterioration or damage to such facility, component, or system, such deterioration or damage cannot be corrected through normal maintenance;

"(6) the term 'rural eligible local educational agency' means an eligible local educational agency—

"(A)(i) in which at least 15 percent of the children enrolled in the schools served by such agency are eligible to be counted under section 1123(c); and

"(ii) which is not in a metropolitan statistical area; or

"(B) in which the total enrollment in the schools served by such agency is less than 2,500 students and that does not serve schools located in a metropolitan statistical area; and

"(7) the term 'urban eligible local educational agency' means an eligible local educational agency which—

"(i) serves the largest central city in a State;

"(ii) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

"(iii) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

**"SEC. 15005. IMPROVEMENT OF PUBLIC ELEMENTARY AND SECONDARY EDUCATION FACILITIES PROGRAM AUTHORIZED.**

"(a) PROGRAM AUTHORITY.—From amounts appropriated pursuant to the authority of subsection (b) in any fiscal year, the Secretary shall award grants to eligible local educational agencies having applications approved under section 15006 to carry out the authorized activities described in section 15007.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $400,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title.

**"SEC. 15006. APPLICATIONS.**

"Each eligible local educational agency desiring to receive a grant under this title shall submit an application to the Secretary. Each such application shall—

"(1) contain an assurance that such application was developed in consultation with parents and classroom teachers; and

"(2) include—

"(A) a description of each architectural, civil, structural, mechanical, electrical, or telephone line, deficiency to be corrected with funds provided under this title, including the priority for the repair of the deficiency;

"(B) a description of the criteria used by the applicant to determine the type of corrective action necessary to meet the purposes of this part;

"(C) a description of the corrective action to be supported with funds provided under this title;

"(D) a cost estimate of the proposed corrective action;

"(E) an identification of the total amount and percentage of such agency's budget used in the preceding fiscal year for the maintenance, repair, renovation, alteration, and construction of public elementary and secondary school libraries, media centers, and facilities;

"(F) a description of how such agency plans to maintain the repair, renovation, alteration, or construction supported with funds provided under this title;

"(G) a description of how activities supported with funds provided under this title will promote energy conservation;

"(H) a description of the extent to which the repair, renovation, alteration, or construction will help the Secretary meet the goals described in section 15010(1)(A); and

"(I) such other information as the Secretary may reasonably require.

**"SEC. 15007. CRITERIA FOR AWARDING GRANTS.**

"(a) IN GENERAL.—The Secretary shall award grants under this title on the basis of the extent to which—

"(1) the grant is needed to address conditions that compromise learning, health or safety; and

"(2) the eligible local educational agency lacks the fiscal capacity, including the ability to raise funds, to undertake the project without Federal assistance.

"(b) SPECIAL RULE.—The Secretary shall only award grants under this title if the Secretary determines that sufficient funds will be provided under this title or from other sources, including the issuance of bonds, to carry out the activities for which assistance is sought.

"(c) EQUITABLE DISTRIBUTION.—To the extent feasible, in awarding grants under this title the Secretary shall ensure that there is an equitable distribution of such grants among urban eligible local educational agencies and rural eligible local educational agencies.

**"SEC. 15008. AUTHORIZED ACTIVITIES.**

"Each eligible local educational agency receiving a grant under this title shall use such grant funds to help our Nation meet the National Education Goals through the repair, renovation, alteration, and construction of a public elementary or secondary school library, media center, or facility, used for academic or vocational instruction, including—

"(1) inspection of such library, center, or facility;

"(2) repairing such library, center, or facility that poses a health or safety risk to students;

"(3) upgrading of and alteration to such library, center, or facility in order to accommodate new instructional technology;

"(4) meeting the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990;

"(5) removal or containment of severely hazardous material such as asbestos, lead, and radon using a cost-effective method;

"(6) meeting Federal, State, or local codes related to fire, air, light, noise, waste disposal, building height, or other codes passed since the initial construction of such library, center, or facility; and

"(7) replacing an old such library, center, or facility that is most cost-effectively torn down rather than renovated.

**"SEC. 15009. REQUIREMENTS.**

"(a) SPECIAL RULES.—

"(1) MAINTENANCE OF EFFORT.—An eligible local educational agency may receive a grant under this title for any fiscal year only if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such local educational agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the fiscal year for which the determination is made.

"(2) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this title only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the repair and construction of school facilities used for educational purposes, and not to supplant such funds.

"(b) GENERAL LIMITATIONS.—

"(1) REAL PROPERTY.—No part of any grant funds under this title shall be used for the acquisition of any interest in real property.

"(2) MAINTENANCE.—Nothing in this title shall be construed to authorize the payment of maintenance costs in connection with any projects constructed in whole or in part with Federal funds provided under this title.

"(3) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this title shall comply with all relevant Federal, State, and local environmental laws and regulations.

"(4) APPLICABILITY OF LAWS REGARDING INDIVIDUALS WITH DISABILITIES.—Sections 504 and 505 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 shall apply to projects carried out with Federal funds provided under this title.

**"SEC. 15010. FAIR WAGES.**

"All laborers and mechanics employed by contractors or subcontractors in the performance of any contract and subcontract for the repair, renovation, alteration, or construction, including painting and decorating, of any building or work that is financed in whole or in part by a grant under this title, shall be paid wages not less than those determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have the authority and functions set forth in reorganization plan of No. 14 of 1950 (15 FR 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act) as amended (40 U.S.C. 276c, 48 Stat. 948).

**"SEC. 15011. FEDERAL ASSESSMENT.**

"The Secretary shall reserve not more than 1 percent of funds appropriated pursuant to the authority of section 15005(b)—

"(1) to collect such data as the Secretary determines necessary at the school, local, and State levels; and

"(2) to conduct studies and evaluations, including national studies and evaluations, in order to—

"(A) monitor the progress of projects supported with funds provided under this title; and

"(B) evaluate the state of American public elementary and secondary school libraries, media centers, and facilities; and

"(3) to report to the Congress by July 1, 1997, regarding the findings of the studies and evaluations described in paragraph (2).

## "TITLE XVI—URBAN AND RURAL EDUCATION

**"SEC. 16001. DEFINITIONS.**

"Except as otherwise provided, for the purposes of this title:

"(1) CENTRAL CITY.—The term 'central city' has the same meaning used by the Bureau of the Census.

"(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization that is representative of a community or significant segments of a community and which has a proven record of providing effective educational or related services to individuals in the community.

"(3) COMMUNITY AS SCHOOL CONCEPT.—The term 'community as school concept' means the mutual sharing of the local public school's and the local community's human, financial, technical, and environmental resources to help meet each others needs;

"(4) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' has the same meaning used by the Bureau of the Census.

"(5) POVERTY LEVEL.—The term 'poverty level' means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for All Urban Consumers.

"(6) RURAL ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'rural eligible local educational agency' means a local educational agency—

"(A)(i) in which at least 15 percent of the children enrolled in the schools served by such agency are eligible to be counted under section 1123(c); and

"(ii) which is not in a metropolitan statistical area; or

"(B) in which the total enrollment in the schools served by such agency is less than 2,500 students and that does not serve schools located in a metropolitan statistical area.

"(7) STATE.—The term 'State' means each of the several States and the District of Columbia, but does not include Guam, American Samoa, the Commonwealth of Puerto Rico, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

"(8) URBAN ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term 'urban eligible local educational agency' means a local educational agency that—

"(A) serves the largest central city in a State;

"(B) enrolls more than 30,000 students and serves a central city with a population of at least 200,000 in a metropolitan statistical area; or

"(C) enrolls between 25,000 and 30,000 students and serves a central city with a population of at least 140,000 in a metropolitan statistical area.

## "PART A—URBAN SCHOOLS

**"SEC. 16101. SHORT TITLE.**

"This part may be cited as the 'Urban Schools of America (USA) Act of 1994'.

**"SEC. 16102. FINDINGS.**

"The Congress finds that—

"(1) the ability of the Nation's major urban public school systems to meet the Nation's educational goals will determine the country's economic competitiveness and academic standing in the world community;

"(2) the quality of public education in the Nation's major urban areas has a direct effect on the economic development of the Nation's inner cities;

"(3) the success of urban public schools in boosting the achievement of its minority youth attending such schools will determine the ability of the Nation to close the gap between the 'haves and the have-nots' in society;

"(4) the cost to America's businesses to provide remedial education to secondary school graduates is approximately $30,000,000,000 per year;

"(5) urban public schools enroll a disproportionately large share of the Nation's poor and at-risk youth;

"(6) urban public schools enroll approximately one-third of the Nation's poor, 40 percent of the Nation's African-American children, and 30 percent of the Nation's Hispanic youth;

"(7) nearly 20 percent of the Nation's limited-English proficient children and 15 percent of the Nation's disabled youth are enrolled in urban public schools;

"(8) the academic performance of students in the average inner-city public school system is below that of students in most other kinds of school systems;

"(9) urban public school systems have higher dropout rates, more problems with health care, and less parental participation than other kinds of school systems;

"(10) urban preschoolers have one-half the access to early childhood development programs as do other children;

"(11) shortages of teachers in urban public school systems are 2.5 times greater than such shortages in other kinds of school systems;

"(12) declining numbers of urban minority secondary school graduates are pursuing post-secondary educational opportunities;

"(13) urban public school systems have greater problems with teenage pregnancy, discipline, drug abuse, and gangs than do other kinds of school systems;

"(14) 75 percent of urban public school buildings are over 25 years old, 33 percent of such buildings are over 50 years old, and such buildings are often in serious disrepair and create poor and demoralizing working and learning conditions;

"(15) solving the challenges facing our Nation's urban schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;

"(16) Federal and State funding of urban public schools has not adequately reflected need; and

"(17) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of inner-city public schools.

**"SEC. 16103. PURPOSE.**

"It is the purpose of this part to provide financial assistance to—

"(1) assist urban public schools in meeting National Education Goals;

"(2) improve the educational and social well-being of urban public school children;

"(3) close the achievement gap between urban and nonurban public school children, while improving the achievement level of all children nationally;

"(4) conduct coordinated research on urban public education problems, solutions, and promising practices;

"(5) improve the Nation's global economic and educational competitiveness by improving the Nation's urban schools; and

"(6) encourage community, parental, and business collaboration in the improvement of urban schools.

### "Subpart 1—Urban School Improvement

**"SEC. 16121. ALLOCATION OF FUNDS.**

"(a) RESERVATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall reserve 5 percent of the amounts appropriated or otherwise made available to carry out this subpart for any fiscal year, to provide incentive awards in accordance with section 16126.

"(2) INAPPLICABILITY.—Paragraph (1) shall not apply for the first year for which funds are appropriated to carry out this subpart.

"(b) FEDERAL ALLOTMENT.—From the remainder of the sums not reserved under subsection (a), the Secretary shall allot to each urban eligible local educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount such urban eligible local educational agency was allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section in such preceding fiscal year by all urban eligible local educational agencies.

"(c) RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Each urban eligible local educational agency shall reserve not more than 5 percent of the amounts allotted under subsection (b) for any fiscal year, to make as many grants as practicable for the activities described in section 16124 to—

"(1) community-based organizations; or

"(2) nonprofit partnerships between the urban eligible local educational agency and city-wide collaboratives of private sector businesses or universities.

"(d) PAYMENTS.—The Secretary shall make annual payments only to urban eligible local educational agencies that—

"(1) comply with the provisions of section 16125; and

"(2) demonstrate to the satisfaction of the Secretary that the data submitted pursuant to section 16125 shows progress toward meeting National Education Goals.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of any allotment or grant made under this subpart may be used for administrative costs.

**"SEC. 16122. APPLICATION.**

"(a) APPLICATION REQUIRED.—

"(1) URBAN LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—Any urban local educational agency desiring to receive an allotment from the Secretary to carry out this subpart shall—

"(i) develop and prepare an application;

"(ii) submit to the State educational agency the application for review and comment; and

"(iii) submit the application described in clause (i) to the Secretary for approval.

"(B) DURATION.—Except as provided in section 16125, the application described in clause (i) may be for a period of not more than 5 years.

"(2) COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Any community-based organization or nonprofit partnership referred to in section 16121(c) desiring to receive a grant from an urban eligible local educational agency pursuant to section 16126 shall—

"(A) submit an application to the urban eligible local educational agency;

"(B) describe in the application the collaborative efforts undertaken with the urban eligible

*local educational agency in designing a program to meet the purposes of this subpart; and*

*"(C) describe in the application how funds will be used to help meet the education goals selected by the urban eligible local educational agency pursuant to subsection (b).*

*"(b) CONTENTS OF URBAN LOCAL EDUCATIONAL AGENCY APPLICATION.—Each application submitted by an urban eligible local educational agency shall include a description of—*

*"(1) the ranking of all schools in the urban eligible local educational agency by achievement, poverty, and racial isolation and how such schools will be served in accordance with section 16127(a);*

*"(2) the community served by the urban eligible local educational agency and the effects of the community on the educational conditions within the schools served by the urban eligible local educational agency;*

*"(3) the academic and other goals selected by the urban eligible local educational agency and their relationship to the standards set for all students under the Goals 2000: Educate America Act or title I of this Act;*

*"(4) how funds received under this subpart will be used to meet the National Education Goals selected by the urban eligible local educational agency;*

*"(5) how promising or successful models or programs will be replicated in designing activities assisted under this subpart; and*

*"(6) the statistical indicators and other criteria that the urban eligible local educational agency will use to measure progress toward meeting National Education Goals, and a description of what the urban eligible local educational agency has done to ensure that any assessments used to measure such progress will not have a negative effect on minority or language minority students.*

***"SEC. 16123. PLANNING PERIOD.***

*"Any urban eligible local educational agency requiring additional planning efforts to meet the provisions of this subpart may use the first 6 months of the initial program year for planning purposes, subject to approval by the Secretary, except that not more than 15 percent of the first year's allotment shall be used for such purposes. A written report of the results of such planning shall be submitted to the Secretary not later than the end of the first project year.*

***"SEC. 16124. USES OF FUNDS.***

*"(a) IN GENERAL.—Funds allotted under this subpart shall be used by urban eligible local educational agencies, community-based organizations, or nonprofit partnerships to meet National Education Goals through programs designed to—*

*"(1) increase the academic achievement of urban public school children to at least the national average, such as—*

*"(A) effective public schools programs;*

*"(B) tutoring, mentoring, and other activities to improve academic achievement directly;*

*"(C) activities designed to increase the participation of minority and female students in entry level and advanced courses in mathematics and science;*

*"(D) supplementary academic instruction;*

*"(E) efforts to improve problem-solving and higher-order thinking skills;*

*"(F) programs to increase student motivation for learning; and*

*"(G) efforts to lengthen the school day or school year, or to reduce class sizes;*

*"(2) ensure the readiness of all urban public school children for school, such as—*

*"(A) full workday, full calendar-year comprehensive early childhood development programs;*

*"(B) parenting classes and parent involvement activities;*

*"(C) activities designed to coordinate prekindergarten and child care programs;*

*"(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;*

*"(E) upgrading the qualifications of early childhood education staff and standards for programs;*

*"(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;*

*"(G) establishment of comprehensive child care centers in public secondary schools for students who are parents and their children; and*

*"(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient preschool children;*

*"(3) increase the graduation rates of urban public school students to at least the national average, such as—*

*"(A) dropout prevention activities and support services for public school students at-risk of dropping out of school;*

*"(B) reentry, outreach, and support activities to recruit students who have dropped out of school to return to school;*

*"(C) development of systemwide policies and practices that encourage students to stay in school;*

*"(D) efforts to provide individualized student support, such as mentoring programs;*

*"(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;*

*"(F) programs to increase student attendance; and*

*"(G) alternative programs for students, especially bilingual and special education students, who have dropped out of school or are at risk of dropping out of school;*

*"(4) prepare urban public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—*

*"(A) activities designed to increase the number and percentages of students, particularly minority students, enrolling in postsecondary educational institutions after graduation from public secondary schools;*

*"(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;*

*"(C) activities designed in collaboration with colleges and universities to assist urban public school graduates in completing higher education;*

*"(D) efforts to increase voter registration among eligible public secondary school students;*

*"(E) activities designed to promote community service and volunteerism among students, parents, teachers, and the community; and*

*"(F) civic education and other programs designed to enhance responsible citizenship and understanding of the political process;*

*"(5) recruit and retain qualified teachers, such as—*

*"(A) school-based management projects and activities;*

*"(B) programs designed to test efforts to increase the professionalization of teachers or to bring teachers up to national voluntary standards;*

*"(C) alternative routes to certification for qualified individuals from business, the military, and other fields;*

*"(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, and special education and bilingual teachers;*

*"(E) upgrading the skills of teacher aides and paraprofessionals to permit such individuals to become certified teachers;*

*"(F) activities specifically designed to increase the number of minority teachers in urban schools;*

*"(G) programs designed to 'grow your own' teachers;*

*"(H) incentives for teachers to work in inner-city public schools; and*

*"(I) collaborative activities with urban universities to revise and upgrade teacher training programs; or*

*"(6) decrease the use of drugs and alcohol among urban public school students and enhance the physical and emotional health of such students, such as—*

*"(A) activities designed to improve the self-esteem and self-worth of urban public school students;*

*"(B) the provision of health care services and other social services and the coordination of such services with other health care providers;*

*"(C) programs designed to improve safety and discipline and reduce in-school violence, vandalism, and gang activity;*

*"(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students and teachers;*

*"(E) collaborative activities with other agencies, businesses, and community groups to discourage the advertisement and glorification of drugs and alcohol;*

*"(F) efforts to enhance health education and nutrition education; and*

*"(G) alternative public schools, and schools-within-schools programs, including bilingual and special education programs for public school students with special needs.*

*"(b) SPECIAL RULE.—Funds allotted under this subpart may be used for the planning, development, operation, or expansion of programs and activities that are designed to assist urban public schools in meeting National Education Goals, and may include—*

*"(1) training of teachers and other educational personnel in subject areas, or in instructional technology and methods that will improve the delivery of services in urban settings and assist in the achievement of the National Education Goals, including staff development efforts that emphasize multicultural and gender and disability bias-free curricula;*

*"(2) coordination and collaboration with other municipal agencies, child care organizations, universities, or the private sector;*

*"(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;*

*"(4) guidance and psychological counseling, social work, and other support services that contribute to progress in achieving National Education Goals;*

*"(5) efforts to acquire and improve access to educational technology;*

*"(6) programs to serve homeless children, children in desegregation programs, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a public school assisted under this subpart; and*

*"(7) efforts to improve and strengthen the curriculum and coordinate services across grade levels.*

*"(c) PRIORITY.—Each urban eligible local educational agency submitting an application shall give priority in designing the program assisted under this subpart to activities that replicate successful efforts in other urban local educational agencies or expand successful programs within the urban eligible local educational agency.*

***"SEC. 16125. ACCOUNTABILITY.***

*"(a) IN GENERAL.—The Secretary may award an allotment under this subpart to an urban eligible local educational agency to enable such an agency to operate a program under this subpart for a period of not more than 5 years. If an urban eligible local educational agency receiving an allotment under this subpart meets the*

*accountability requirements described in subsection (b) at the end of the 5-year period, and the requirements described in subsection (c) at the end of each year, as determined by the Secretary, such agency shall be eligible to continue the project with funds under this subpart for an additional 3-year period.*

*"(b) REQUIREMENTS TO MOVE TOWARD NATIONAL EDUCATION GOALS.—*

*"(1) PROGRAM CONTINUATION.—Except as provided in paragraph (2), if after 5 years of receiving an allotment under this subpart an urban eligible local educational agency is able to demonstrate to the satisfaction of the Secretary that such agency has increased the achievement level of urban public school students in the lowest 2 quartiles in the schools served by such agency and assisted under this subpart as measured by the statistical indicators and other criteria specified in the application in excess of the average such achievement of such students in the 3-year period prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this title for an additional 5-year period upon reapplication under section 16122.*

*"(2) SPECIAL RULE.—If after 5 years of receiving an allotment under this subpart an urban eligible local educational agency is able to demonstrate to the Secretary that it has made significant progress in school improvement, given changes in the student population or other factors beyond such agency's control, then such agency shall be considered to have met the requirements of paragraph (1) so long as the achievement level of the schools served by such agency and assisted under this subpart did not decline over the 5-year period.*

*"(c) COLLECTION OF DATA.—Each urban eligible local educational agency, community-based organization, university, or nonprofit partnership receiving an allotment under this subpart shall annually collect and submit to the Secretary data based on the statistical indicators and other criteria described in the application submitted by such urban eligible local educational agency for the purposes of monitoring progress in achieving National Education Goals. Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the schools served under this subpart.*

***"SEC. 16126. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.***

*"From amounts reserved pursuant to section 16121(a) or otherwise made available, the Secretary is authorized to make competitive awards to individual public schools participating in a program assisted under this subpart that demonstrate to the satisfaction of the Secretary success in at least 3 of the following areas:*

*"(1) Unusual or exemplary progress in achieving the National Education Goals through programs described in section 16124.*

*"(2) Exemplary or unusually effective collaborative arrangements between public schools, community-based organizations, agencies, parent groups, colleges and businesses.*

*"(3) Identification, review, and removal of potential barriers to student performance in achieving National Education Goals, including a decrease in suspensions, expulsions, in-grade retentions, and ability groupings, and lack of access to course offerings in pre-algebra and introductory algebra.*

*"(4) Substantial expansion of the hours that public schools remain open for community use or student after-school recreation.*

***"SEC. 16127. SPECIAL RULES.***

*"(a) RANKING OF SCHOOLS TO DETERMINE RELATIVE NEED.—*

*"(1) IN GENERAL.—In order to determine which public schools are most in need of services, each urban eligible local educational agency desiring to receive an allotment under this subpart shall separately rank all public elementary and secondary schools under the jurisdiction of such agency on the basis of—*

*"(A) low achievement;*

*"(B) high poverty; and*

*"(C) racial isolation.*

*"(2) PERCENTAGE OF SCHOOLS TO BE SERVED.—Each urban eligible local educational agency that receives an allotment under this subpart shall serve at least 10 percent, but not more than 20 percent, of the public schools under the jurisdiction of such agency.*

*"(3) CRITERIA FOR SCHOOLS TO BE SERVED.—Subject to paragraph (2) of this subsection, each urban eligible local educational agency that receives an allotment under this subpart—*

*"(A) shall serve any public school that is determined to be most in need with respect to all 3 rankings described in paragraph (1);*

*"(B) may serve any public school that is determined to be most in need with respect to any 1 or more of such rankings; and*

*"(C) may serve any public school that received assistance under this title in a previous fiscal year.*

*"(b) FLEXIBILITY.—Each urban eligible local educational agency shall have the flexibility to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations within the program assisted under this subpart.*

***"Subpart 2—General Provisions***

***"SEC. 16131. WHITE HOUSE CONFERENCE ON URBAN EDUCATION.***

*"(a) AUTHORIZATION TO CALL CONFERENCE.—*

*"(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Urban Education (referred to in this section as the 'Conference') which shall be held not earlier than November 1, 1995, and not later than October 30, 1996.*

*"(2) PURPOSE.—The purpose of the Conference shall be to—*

*"(A) develop recommendations and strategies for the improvement of urban education;*

*"(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist urban public schools in achieving National Education Goals; and*

*"(C) conduct the initial planning for a permanent national advisory commission on urban education.*

*"(b) COMPOSITION OF CONFERENCE.—*

*"(1) IN GENERAL.—The Conference shall be comprised of 12 individuals, including—*

*"(A) representatives of urban public school systems, including members of the governing body of local educational agencies, and school superintendents;*

*"(B) representatives of the Congress, the Department of Education, and other Federal agencies;*

*"(C) State elected officials and representatives from State educational agencies; and*

*"(D) individuals with special knowledge of and expertise in urban education.*

*"(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Majority Leader of the Senate shall select one-third of such participants, and the Speaker of the House of Representatives shall select the remaining one-third of such participants.*

*"(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the Majority Leader of the Senate, and the Speaker of the House of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and linguistic diversity of cities as is practicable.*

*"(c) REPORT.—*

*"(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.*

*"(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local urban public school leaders.*

***"PART B—RURAL SCHOOLS***

***"SEC. 16201. SHORT TITLE.***

*"This part may be cited as the 'Rural Schools of America (RSA) Act of 1994'.*

***"SEC. 16202. FINDINGS.***

*"The Congress finds that—*

*"(1) the ability of America's rural public school systems to meet the National Education Goals will contribute to the economic competitiveness and academic standing of the Nation in the world community;*

*"(2) the quality of public education in the rural areas of the Nation has a direct effect on the economic development of the rural communities of the Nation;*

*"(3) the success of rural public schools in boosting the achievement of minority youth attending such schools will determine the ability of the Nation to close the gap between the haves and the have-nots in society;*

*"(4) the cost to America's businesses to provide remedial education to secondary public school graduates is approximately $21,000,000,000 per year;*

*"(5) rural public schools enroll a disproportionately large share of the Nation's poor and at-risk youth;*

*"(6) approximately 60 percent of the Nation's public school districts are rural with a population of less than 2,500;*

*"(7) approximately one out of every four of America's rural children are living below the poverty line;*

*"(8) the academic performance of students in the average rural public school system is below that of students in most suburban school systems;*

*"(9) rural preschoolers have less access to early childhood development programs than other children;*

*"(10) shortages of teachers for rural public school systems is greater than in other kinds of school systems;*

*"(11) a declining number of rural public secondary school graduates are pursuing post-secondary education opportunities;*

*"(12) the average age of rural public school buildings is more than 45 years old and such buildings are often in serious disrepair, creating poor and demoralizing working and learning conditions;*

*"(13) solving the challenges facing the Nation's rural public schools will require the concerted and collaborative efforts of all levels of government and all sectors of the community;*

*"(14) Federal and State funding of rural public schools has not adequately reflected need; and*

*"(15) Federal funding that is well-targeted, flexible, and accountable would contribute significantly to addressing the comprehensive needs of rural public schools.*

***"SEC. 16203. PURPOSE.***

*"It is the purpose of this part to provide financial assistance to rural public schools most in need, to encourage the comprehensive restructuring of America's rural schools, the appropriate use of telecommunications technologies for learning, and to support innovative*

*programs which improve performance through programs and projects designed to—*

*"(1) assist rural public schools in meeting National Education Goals;*

*"(2) encourage rural public schools to engage in school reform;*

*"(3) develop pilot projects that experiment with innovative ways to teach rural public school children more effectively;*

*"(4) improve the educational and social well-being of rural public school children;*

*"(5) close the achievement gap between children attending rural public schools and other children, while improving the achievement level of all children nationally;*

*"(6) conduct coordinated research on rural education problems, solutions, promising practices, and distance learning technologies;*

*"(7) improve the Nation's global economic and educational competitiveness by improving the Nation's rural public schools;*

*"(8) encourage community, parental, and business collaboration in the improvement of rural public schools;*

*"(9) encourage rural school consortia for the purpose of increasing efficiency and course offerings;*

*"(10) encourage a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;*

*"(11) encourage community-as-school concepts, which include the role public schools can play to assist with rural community economic revitalization; and*

*"(12) provide meaningful inservice opportunities for rural public school teachers.*

***"Subpart 1—Rural School Improvement***

***"SEC. 16221. ALLOTMENT OF FUNDS.***

*"(a) RESERVATION.—From the amount appropriated or otherwise made available to carry out this subpart for any fiscal year after the first fiscal year in which the Secretary awards allotments to State educational agencies under this subpart, the Secretary shall reserve 5 percent of such funds to provide incentive awards in accordance with section 16226.*

*"(b) ALLOTMENTS.—*

*"(1) FEDERAL ALLOTMENT.—From the remainder of the funds not reserved under subsection (a), the Secretary shall allot to each State educational agency with an approved application in each fiscal year an amount which bears the same relationship to such funds as the amount all rural eligible local educational agencies with approved applications in the State were allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section (or predecessor authority) in such preceding fiscal year by all rural eligible local educational agencies with approved applications in all States.*

*"(2) STATE ALLOTMENT.—*

*"(A) RESERVATION FOR ADMINISTRATIVE EXPENSES.—From amounts received pursuant to paragraph (1), each State educational agency may reserve not more than 1 percent of such amount for administrative expenses.*

*"(B) RESERVATION FOR COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—From amounts received under paragraph (1) for any fiscal year, each State educational agency shall reserve not more than 5 percent to make as many grants as practicable for activities in accordance with the National Education Goals and described in section 16224 to—*

*"(i) community-based organizations; or*

*"(ii) nonprofit partnerships among rural eligible local educational agencies, local colleges or universities, private sector businesses, or any combination thereof, that enter into a written agreement with at least one rural eligible local educational agency.*

*"(C) FORMULA.—From the remainder of amounts received pursuant to paragraph (1) and not reserved pursuant to subparagraphs (A) and (B) in each fiscal year, each State educational agency shall allot to each rural eligible local educational agency with an approved application an amount which bears the same relationship to such funds as the amount such rural eligible local educational agency was allocated under section 1123 (or for fiscal year 1995 only, such section's predecessor authority) in the preceding fiscal year bears to the total amount received under such section (or predecessor authority) in such preceding fiscal year by all rural eligible local educational agencies with approved applications in the State.*

*"(D) ADMINISTRATIVE COSTS.—Not more than 5 percent of any rural eligible local educational agency's allotment under this subsection may be used for administrative costs.*

*"(c) REALLOTMENT.—Any amounts available for reallotment pursuant to subsections (a) and (b) shall be reallotted in the same manner as the original allotments were made.*

***"SEC. 16222. APPLICATION.***

*"(a) STATE APPLICATION.—*

*"(1) IN GENERAL.—Each State educational agency desiring to receive an allotment in any fiscal year to carry out the provisions of this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.*

*"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—*

*"(A) describe the State's approach to improving education in rural public schools;*

*"(B) contain such information as the Secretary may reasonably require in order to make the allotment described in section 16221(b)(1); and*

*"(C) contain such other information or assurances as the Secretary determines necessary to ensure compliance with this subpart.*

*"(b) LOCAL APPLICATION.—*

*"(1) IN GENERAL.—Any rural eligible local educational agency desiring to receive an allotment to carry out this subpart, shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.*

*"(2) CONTENTS OF LOCAL EDUCATIONAL AGENCY APPLICATION.—Each application submitted by a rural eligible local educational agency pursuant to paragraph (1) shall include a description of—*

*"(A) the community served by the rural eligible local educational agency and the effects of the community on the educational conditions within the public schools served by the rural eligible local educational agency;*

*"(B) the academic and other goals selected by the rural eligible local educational agency and their relationship to the standards set for all students under the Goals 2000: Educate America Act or title I of this Act;*

*"(C) how funds received under this subpart will be used to meet the National Educational Goals selected by the rural eligible local educational agency;*

*"(D) how promising or successful models or programs will be replicated in designing activities assisted under this subpart;*

*"(E) which federally funded programs and activities are being expanded under this subpart; and*

*"(F) the statistical indicators and other criteria that the rural eligible local educational agency will use to measure progress toward meeting National Education Goals.*

*"(3) DURATION.—Except as provided in section 16225, the application described in paragraph (1) may be for a period of not more than 5 years.*

*"(c) COMMUNITY-BASED ORGANIZATIONS AND NONPROFIT PARTNERSHIPS.—Any community-based organization or nonprofit partnership described in section 16221(b)(2)(B) desiring to receive a grant from a State educational agency pursuant to such section shall—*

*"(1) prepare and submit an application to the State educational agency;*

*"(2) describe in the application the collaborative efforts undertaken with a rural eligible local educational agency in designing a program to meet the purposes of this part; and*

*"(3) describe in the application how funds will be used to help meet the education goals selected by a rural eligible local educational agency pursuant to subsection (b) of this section.*

***"SEC. 16223. PLANNING PERIOD.***

*"Any rural eligible local educational agency requiring additional planning efforts to meet the requirements of this subpart may use the first 3 months of the initial program year for planning purposes, subject to approval by the State educational agency, except that not more than 10 percent of the first year's allotment shall be used for such purposes. A written report of the results of the plan shall be submitted to the State educational agency.*

***"SEC. 16224. USES OF FUNDS.***

*"(a) IN GENERAL.—Funds allotted under section 16221(b)(2) shall be used by rural eligible local educational agencies, or community-based organizations or nonprofit partnerships described in section 16221(b)(2)(B), to meet National Education Goals through programs designed to—*

*"(1) increase the academic achievement of rural public school children to at least the national average, including education reform initiatives, such as—*

*"(A) effective public schools programs;*

*"(B) tutoring, mentoring, and other activities to improve academic achievement directly;*

*"(C) supplementary academic instruction;*

*"(D) efforts to improve problem-solving and higher-order critical thinking skills;*

*"(E) programs to increase student motivation for learning;*

*"(F) efforts to lengthen the school day, school year, or reduce class sizes; and*

*"(G) encouraging the establishment of rural school consortia to increase efficiency and course offerings;*

*"(2) ensure the readiness of all rural children for school, such as—*

*"(A) full workday, full calendar-year comprehensive early childhood development programs;*

*"(B) parenting classes, including parenting classes for teenage parents, and parent involvement activities;*

*"(C) activities designed to coordinate prekindergarten and child care programs;*

*"(D) efforts to integrate developmentally appropriate prekindergarten services into the overall public school program;*

*"(E) improving the skills of early childhood education staff and standards for programs;*

*"(F) collaborative efforts with health and social service agencies to provide comprehensive services and to facilitate the transition from home to school;*

*"(G) establishment of comprehensive child care centers in public secondary schools for student-parents and their children; and*

*"(H) augmenting early childhood development programs to meet the special educational and cultural needs of limited-English proficient and migrant preschool children;*

*"(3) increase the graduation rates of rural public school students to at least the national average, when funds are used to serve secondary schools, such as—*

*"(A) dropout prevention activities and support services for students at-risk of dropping out of school;*

"(B) reentry, outreach and support activities to recruit students who have dropped out of school to return to school;

"(C) development of systemwide policies and practices that encourage students to stay in school;

"(D) efforts to provide individualized student support;

"(E) collaborative activities between schools, parents, community groups, agencies, and institutions of higher education aimed at preventing individuals from dropping out of school;

"(F) programs to increase student attendance; and

"(G) alternative programs for students, especially bilingual, special education, and migrant students, who have dropped out of school or are at risk of dropping out of school;

"(4) prepare rural public school students to enter higher education, pursue careers, and exercise their responsibilities as citizens, such as—

"(A) activities designed to increase the number and percentages of students, enrolling in postsecondary educational institutions after graduation from secondary schools;

"(B) in-school youth employment, vocational education, and career education programs that improve the transition from school to work;

"(C) activities designed in collaboration with colleges and universities to assist rural public school graduates in completing higher education;

"(D) activities designed in conjunction with community colleges to provide a kindergarten through grade 14 experience for rural public school secondary school students;

"(E) efforts to increase voter registration among eligible public secondary school students attending schools served by rural eligible local educational agencies;

"(F) activities designed to promote community service and volunteerism among students, parents, teachers, and the community;

"(G) civic education, law-related education, and other programs designed to enhance responsible citizenship and understanding of the political process; and

"(H) encouraging a positive role for rural public schools in local rural entrepreneurship and the identification of rural community economic development opportunities;

"(5) recruit and retain qualified teachers, such as—

"(A) school-based management projects and activities;

"(B) programs designed to increase the status of the teaching profession;

"(C) alternative routes to certification for qualified individuals from business, the military, and other fields;

"(D) efforts to recruit and retain teachers in critical shortage areas, including early childhood teachers, mathematics and science teachers, foreign language teachers, and special education and bilingual teachers;

"(E) upgrading the skills of existing classroom teachers through the use of year-round, systematic, comprehensive inservice training programs;

"(F) upgrading the skills of teacher aides and paraprofessionals to assist such individuals in becoming certified teachers;

"(G) efforts specifically designed to increase the number of minority teachers in rural public schools;

"(H) programs designed to encourage parents and students to enter the teaching profession;

"(I) incentives for teachers to work in rural public schools;

"(J) collaborative activities with colleges and universities to revise and upgrade teacher training programs to meet the needs of rural public school students; and

"(K) training activities for the purpose of incorporating distance learning technologies; or

"(6) decrease the use of drugs and alcohol among rural public school students, and to enhance the physical and emotional health of such students, such as—

"(A) activities designed to improve the self-esteem and self-worth of rural students;

"(B) the provision of health care services and other social services and the coordination of such services with other health care providers;

"(C) programs designed to improve safety and discipline and reduce in-school violence and vandalism;

"(D) activities that begin in the early grades and are designed to prevent drug and alcohol abuse and smoking among students;

"(E) collaborative activities with other agencies, businesses, and community groups;

"(F) efforts to enhance health education and nutrition education; and

"(G) alternative public schools, and schools-within-schools programs, including bilingual, migrant, and special education programs for students with special needs.

"(b) SPECIAL RULE.—Funds allotted under section 16221(b)(2) may be used by rural eligible local educational agencies, or community-based organizations or nonprofit partnerships, described in section 16221(b)(2)(B), for the planning, development, operation, or expansion of programs and activities that are designed to assist rural public schools in meeting National Education Goals, and may include—

"(1) training of teachers and other educational personnel in subject areas, or instructional technology and methods, that will improve the delivery of services in rural settings in any of the National Education Goal areas, including staff development efforts which emphasize multicultural, gender, and disability bias-free curricula;

"(2) coordination and collaboration with other rural agencies, including State rural development councils, child care organizations, universities, or the private sector;

"(3) parental involvement and outreach efforts and other activities designed to enhance parental encouragement of student learning;

"(4) guidance counseling, psychological, social work, and other support services that contribute to progress in achieving National Education Goals;

"(5) efforts to acquire and improve access to educational technology, including distance learning technologies;

"(6) programs to serve homeless children, children in schools undergoing desegregation, immigrants, migrants, or other highly mobile populations, even if such individuals do not attend a rural public school assisted under this subpart;

"(7) efforts to improve, reform and strengthen the curriculum, especially efforts to enhance critical thinking skills among rural students, and efforts to coordinate services across grade levels; and

"(8) other activities designed to assist in achieving the National Education Goals.

"(c) PRIORITY.—Each eligible rural local educational agency submitting an application under this section shall give priority in designing the program assisted under this subpart to activities that replicate successful efforts in other local educational agencies or expand successful programs within the rural eligible local educational agency.

**"SEC. 16225. ACCOUNTABILITY.**

"(a) IN GENERAL.—The State educational agency may award an allotment under this subpart to a rural eligible local educational agency to enable such an agency to operate a program under this subpart for a period of not more than 5 years. If a rural eligible local educational agency receiving an allotment under this subpart meets the accountability requirements described in subsection (b) at the end of 5 years and the requirements described in subsection (c) at the end of each year, as determined by the State educational agency, such local educational agency shall be eligible to continue the project with funds under this subpart for an additional 3 years if such local educational agency so desires.

"(b) REQUIREMENTS TO MOVE TOWARD NATIONAL EDUCATION GOALS.—

"(1) PROGRAM CONTINUATION.—If, after 5 years of receiving an allotment under this subpart, a rural eligible local educational agency is able to demonstrate to the satisfaction of the State educational agency that such rural eligible local educational agency has increased the achievement within the lowest 2 quartiles of students in rural public schools assisted under this subpart as measured by the statistical indicators and other criteria specified in the application in comparison to the year prior to the initiation of the project, then such agency shall be eligible to continue the project with funds under this subpart for an additional 5 years upon reapplication under section 16222.

"(2) SPECIAL RULE.—If, after 5 years of receiving an allotment under this subpart, a rural eligible local educational agency is able to demonstrate to the Secretary that it has made significant progress in school improvement, given changes in the student population or other factors beyond such agency's control, then such agency shall be deemed to have met the requirements of paragraph (1) so long as the average achievement level of the public schools assisted under this subpart did not decline over the previous 5-year period.

"(c) COLLECTION OF DATA AND CERTIFICATION.—

"(1) IN GENERAL.—Each rural eligible local educational agency, community-based organizations or nonprofit partnerships described in section 16221(b)(2)(B), receiving assistance under this subpart shall annually collect and submit to the State educational agency data based on the statistical indicators and other criteria described in the application submitted by such rural eligible local educational agency for the purposes of monitoring progress in achieving the National Education Goals in accordance with paragraph (2). Such data shall include multiple measures or indicators of each variable, and may take into consideration the mobility of students in the public schools served under this subpart or other special factors.

"(2) CERTIFICATION.—Each rural eligible local educational agency receiving an allotment pursuant to section 16221(b)(2) shall annually certify to the State educational agency that such rural eligible local educational agency has—

"(A) complied with the provisions of this subsection; and

"(B) made progress toward meeting National Education Goals and the goals described in section 16222(b)(2)(D).

**"SEC. 16226. INCENTIVE AWARDS TO EXEMPLARY PROGRAMS.**

"From amounts reserved pursuant to section 16221(a) or otherwise made available, the Secretary is authorized to make competitive awards to rural eligible local educational agencies to enable such agencies to provide assistance to individual schools participating in a program assisted under this subpart that demonstrate to the satisfaction of the Secretary at least 3 of the following:

"(1) Unusual or exemplary progress in achieving the National Education Goals through programs described in section 16224.

"(2) Exemplary or unusually effective collaborative arrangements between the schools, community-based organizations, agencies, parent groups, colleges, and businesses.

"(3) Identification, review and removal of potential barriers to student performance in the

National Education Goal areas, such as suspensions and expulsions, in-grade retentions, ability grouping, lack of access to course offerings, and other such barriers.

**"Subpart 2—General Provisions**

**"SEC. 16231. WHITE HOUSE CONFERENCE ON RURAL EDUCATION.**

"(a) AUTHORIZATION TO CALL CONFERENCE.—

"(1) IN GENERAL.—The President is authorized to call and conduct a White House Conference on Rural Education (referred to in this section as the 'Conference').

"(2) DATE.—The Conference described in paragraph (1) shall be held not earlier than November 1, 1995, and not later than October 30, 1996.

"(3) PURPOSE.—The purposes of the Conference shall be to—

"(A) develop recommendations and strategies for the improvement of rural public education;

"(B) marshal the forces of the private sector, governmental agencies at all levels, parents, teachers, communities, and education officials to assist rural public schools in achieving National Education Goals, and make recommendations on the roles rural public schools can play to assist with local rural community economic revitalization; and

"(C) conduct the initial planning for a permanent national commission on rural public education.

"(b) COMPOSITION OF CONFERENCE.—

"(1) IN GENERAL.—The Conference shall be comprised of—

"(A) representatives of eligible public school systems, including members of the governing body of local educational agencies, school superintendents, and classroom teachers;

"(B) representatives of the Congress, the Department of Education, and other Federal agencies;

"(C) State elected officials and representatives from State educational agencies;

"(D) individuals with special knowledge of, and expertise in, rural education, including individuals involved with rural postsecondary education; and

"(E) individuals with special knowledge of, and expertise in, rural business.

"(2) SELECTION.—The President shall select one-third of the participants of the Conference, the Majority Leader of the Senate shall select one-third of such participants, and the Speaker of the House of Representatives shall select the remaining one-third of such participants.

"(3) REPRESENTATION.—In selecting the participants of the Conference, the President, the Majority Leader of the Senate, and the Speaker of the House of Representatives shall ensure that the participants are as representative of the ethnic, racial, and language diversity of rural areas as is practicable.

"(c) REPORT.—

"(1) IN GENERAL.—Not later than 120 days following the termination of the Conference, a final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President. The final report shall be made public and, not later than 90 days after receipt by the President, transmitted to the Congress together with a statement of the President containing recommendations for implementing the report.

"(2) PUBLICATION AND DISTRIBUTION.—The Conference is authorized to publish and distribute the report described in this section. Copies of the report shall be provided to the Federal depository libraries and made available to local rural school leaders and teachers.

**"PART C—AUTHORIZATION OF APPROPRIATIONS**

**"SEC. 16301. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 1995, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out this title, of which—

"(1) 50 percent shall be made available to carry out part A; and

"(2) 50 percent shall be made available to carry out part B.

"(b) FEDERAL FUNDS TO SUPPLEMENT NOT SUPPLANT NON-FEDERAL FUNDS.—An eligible local educational agency may use funds received under this title only to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of students participating in activities assisted under this title, and in no such case may such funds be used to supplant funds from non-Federal sources."

**TITLE II—AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT**

**PART A—APPLICABILITY OF THE GENERAL EDUCATION PROVISIONS ACT**

**SEC. 211. TITLE; APPLICABILITY; DEFINITIONS.**

Section 400 of the General Education Provisions Act (20 U.S.C. 1221 et seq.) (hereafter in this title (other than part G) referred to as the "Act") is amended to read as follows:

"SHORT TITLE; APPLICABILITY; DEFINITIONS

"SEC. 400. (a) This title may be cited as the 'General Education Provisions Act'.

"(b)(1) Except as otherwise provided, this title applies to each applicable program of the Department of Education.

"(2) Except as otherwise provided, this title does not apply to any contract made by the Department of Education.

"(c) As used in this title, the following terms have the following meanings:

"(1) The term 'applicable program' means any program for which the Secretary or the Department has administrative responsibility as provided by law or by delegation of authority pursuant to law. The term includes each program for which the Secretary or the Department has administrative responsibility under the Department of Education Organization Act or under Federal law effective after the effective date of that Act.

"(2) The term 'applicable statute' means—

"(A) the Act or the title, part, section, or any other subdivision of an Act, as the case may be, that authorizes the appropriation for an applicable program;

"(B) this title; and

"(C) any other statute that by its terms expressly controls the administration of an applicable program.

"(3) The term 'Department' means the Department of Education.

"(4) The term 'Secretary' means the Secretary of Education.

"(d) Nothing in this title shall be construed to affect the applicability of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, title V of the Rehabilitation Act of 1973, the Age Discrimination Act, or other statutes prohibiting discrimination, to any applicable program.".

**SEC. 212. REPEAL.**

Section 400A of the Act (20 U.S.C. 1221–3) is repealed.

**PART B—THE DEPARTMENT OF EDUCATION**

**SEC. 221. NEW HEADING FOR PART A.**

The heading for part A of the Act is amended to read as follows:

"PART A—FUNCTIONS OF THE DEPARTMENT OF EDUCATION".

**SEC. 222. GENERAL AUTHORITY OF THE SECRETARY.**

Section 408 of the Act (20 U.S.C. 1221e–3) is amended to read as follows:

"GENERAL AUTHORITY OF THE SECRETARY

"SEC. 408. The Secretary, in order to carry out functions otherwise vested in the Secretary by law or by delegation of authority pursuant to law, and subject to limitations as may be otherwise imposed by law, is authorized to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of, and governing the applicable programs administered by, the Department.".

**SEC. 223. REPEALS.**

Sections 401, 402, 403 (20 U.S.C. 1221c), 406 (20 U.S.C. 1221e–1), 406A (20 U.S.C. 1221e–1a), 406B (20 U.S.C. 1221e–1b), 406C (20 U.S.C. 1221e–1c), and 407 (20 U.S.C. 1221e–2) of the Act are repealed.

**PART C—APPROPRIATIONS AND EVALUATIONS**

**SEC. 231. AVAILABILITY OF APPROPRIATIONS.**

(a) AMENDMENT TO HEADING.—The heading for section 412 of the Act (20 U.S.C. 1225) is amended to read as follows:

"AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL-YEAR BASIS; ADDITIONAL PERIOD FOR OBLIGATION OF FUNDS".

(b) AMENDMENT TO TEXT.—Section 412 of the Act (20 U.S.C. 1225) is further amended—

(1) in subsection (a)—

(A) by striking "to educational agencies or institutions";

(B) by striking "expenditure" and inserting "obligation"; and

(C) by striking "agency or institution concerned" and inserting "recipient";

(2) in subsection (b)—

(A) by amending the matter preceding paragraph (2) to read as follows:

"(b)(1)(A) Notwithstanding any other provision of law, unless enacted in express limitation of this subsection, any funds from appropriations to carry out any applicable State formula grant program that are not obligated by a recipient by the end of the fiscal year for which such funds were appropriated shall remain available for obligation by such recipient during the succeeding fiscal year.

"(B) As used in this subsection, the term 'applicable State formula grant program' means an applicable program the authorizing statute or implementing regulations of which provide a formula for allocating program funds among eligible States."; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "applicable program" and inserting "applicable State formula grant program"; and

(II) by striking "and expenditure" and inserting "and expended"; and

(ii) in subparagraph (B), by striking "such educational agencies or institutions" and inserting "the recipients of such funds"; and

(3) by striking subsection (c).

**SEC. 232. CONTINGENT EXTENSION OF PROGRAMS.**

Section 414 of the Act (20 U.S.C. 1226a) is amended to read as follows:

"CONTINGENT EXTENSION OF PROGRAMS

"SEC. 414. (a) The authorization of appropriations for, or duration of, an applicable program shall be automatically extended for two additional fiscal years unless the Congress, in the regular session that ends prior to the terminal fiscal year of such authorization or duration has passed legislation that becomes law and extends, or has rejected legislation that would have extended, the authorization or duration of such program.

"(b) The amount authorized to be appropriated for the period of automatic extension under subsection (a) of an applicable program shall be the amount authorized to be appropriated for such program for the terminal fiscal year of the applicable program.

"(c) If the Secretary is required, in the terminal fiscal year of an applicable program, to carry out certain acts or make certain determinations that are necessary for the continuation of such program, such acts or determinations shall be required to be carried out or made during the period of automatic extension under subsection (a).".

**SEC. 233. BIENNIAL EVALUATION REPORT.**

Section 417 of the Act (20 U.S.C. 1226c) is amended to read as follows:

"BIENNIAL EVALUATION REPORT

"SEC. 417. Not later than March 31, 1995, and every 2 years thereafter, the Secretary shall transmit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate an evaluation report on the effectiveness of applicable programs in achieving their legislated intent and purposes during the 2 preceding fiscal years. Such report shall—

"(1) contain program profiles that include legislative citations, multiyear funding histories, and legislated purposes;

"(2) contain recent information on the progress being made toward the achievement of program objectives, including listings of program performance indicators, data from performance measurement based on the indicators, and information on the costs and benefits of the applicable programs being evaluated;

"(3) address significant program activities, such as initiatives for program improvement, regulations, and program monitoring and evaluation;

"(4) list the principal analyses and studies supporting the major conclusions in the report;

"(5) include available data to indicate the effectiveness of the programs and projects by the race, sex, disability and age of the beneficiaries of such programs and projects; and

"(6) include the results of the program evaluations conducted in accordance with section 10107 of the Elementary and Secondary Education Act of 1965.".

**SEC. 234. TECHNICAL AMENDMENTS.**

(a) PAYMENTS.—Section 415 of the Act (20 U.S.C. 1226a–1) is amended by striking "Commissioner" and inserting "Secretary".

(b) PROGRAM PLANNING AND EVALUATION.—Section 420 of the Act (20 U.S.C. 1228) is amended—

(1) by striking "title I of" and all that follows through "Congress)" and inserting "title IX of the Elementary and Secondary Education Act of 1965"; and

(2) by striking "subparagraph (C) of section 3(d)(2) or section 403(1)(C) of that Act" and inserting "subsections (d) and (g) of section 9004 of such Act or residing on property described in section 9014(10) of such Act".

**SEC. 235. REPEALS.**

Sections 411 (20 U.S.C. 1223), 413 (20 U.S.C. 1226), 416 (20 U.S.C. 1226b), and 419 (20 U.S.C. 1227) of the Act are repealed.

## PART D—ADMINISTRATION OF EDUCATION PROGRAMS

**SEC. 241. JOINT FUNDING OF PROGRAMS.**

Section 421A of the Act (20 U.S.C. 1231) is amended to read as follows:

"JOINT FUNDING OF PROGRAMS

"SEC. 421A. (a)(1) The Secretary is authorized to enter into arrangements with other Federal agencies to jointly carry out projects of common interest, to transfer to such agencies funds appropriated under any applicable program, and to receive and use funds from such agencies, for projects of common interest.

"(2) Funds transferred or received pursuant to paragraph (1) shall be used only in accordance with the Federal law authorizing the appropriation of such funds and the Federal law appropriating such funds, and shall be made available only to parties eligible to receive such funds under such law.

"(3) If the Secretary enters into a agreement under this subsection for the administration of a project, the agency administering the project shall use such agency's procedures to select recipients of funds under such project and to administer the awards, unless the parties to the agreement specify the use of procedures of another agency that is a party to the agreement.

"(4) If the Secretary has entered into an agreement authorized under this subsection and the Secretary and the heads of the other agencies participating in the agreement determine that joint funding is necessary to address a special need consistent with the purposes and authorized activities of each program that provides funding under the joint project, the Secretary and the heads of the other participating agencies may develop a single set of criteria for the jointly funded project and require each applicant for such project to submit a single application for review by the participating agencies.

"(b) The Secretary may develop the criteria for, and require the submission of, joint applications under two or more applicable programs under which funds are awarded on a competitive basis, and may jointly review and approve such applications separately from other applications under such programs, when the Secretary determines that such joint awards are necessary to address a special need consistent with the purposes and authorized activities of each such program. Any applicant for such a joint award shall meet the eligibility requirements of each such program.".

**SEC. 242. COLLECTION AND DISSEMINATION OF INFORMATION.**

Section 422 of the Act (20 U.S.C. 1231a) is amended to read as follows:

"COLLECTION AND DISSEMINATION OF INFORMATION

"SEC. 422. The Secretary shall—

"(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs, and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

"(2) inform the public regarding federally supported education programs; and

"(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving the intended purposes of such programs.".

**SEC. 243. REVIEW OF APPLICATIONS.**

Section 425 of the Act (20 U.S.C. 1231b–2) is amended—

(1) in subsection (a)—

(A) by striking "Commissioner" and inserting "Secretary";

(B) by striking "and in the case of the program provided for in title I of the Elementary and Secondary Education Act of 1965,";

(C) in the third sentence, by inserting a comma after "the hearing"; and

(D) in the fourth sentence—

(i) by striking the comma after "guidelines"; and

(ii) by inserting a comma after "program";

(2) in subsection (b), by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(3) in subsection (d)—

(A) by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(B) by inserting before the period "or issue such other orders as the Secretary may deem appropriate to achieve such compliance".

**SEC. 244. USE OF FUNDS WITHHELD.**

Section 428 of the Act (20 U.S.C. 1231e) is amended to read as follows:

"USE OF FUNDS WITHHELD

"SEC. 428. (a) At any time that the Secretary makes an allotment or reallotment to any State under any applicable program, the Secretary shall reduce such allotment or reallotment by such amount as the Secretary determines such allotment or reallotment would have been reduced, had the data on which the allotment or reallotment is based excluded all data relating to local educational agencies of the State that, on the date of the Secretary's action, are ineligible to receive the Federal financial assistance involved because of failure to comply with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, or the Age Discrimination Act of 1975.

"(b) The Secretary may use any funds withheld under subsection (a)—

"(1) to increase the allotments or reallotments of local educational agencies within the State that are not described in subsection (a), or the allotments or reallotment of all States, in accordance with the Federal law governing the program; or

"(2) for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964, or for any other program administered by the Department that is designed to enhance equity in education or redress discrimination on the basis of race, color, national origin, sex, age, or disability.".

**SEC. 245. APPLICATIONS.**

Subsection (a) of section 430 of the Act (20 U.S.C. 1231g) is amended by striking "for three fiscal years" and inserting "for more than 1 fiscal year".

**SEC. 246. REGULATIONS.**

Section 431 of the Act (20 U.S.C. 1232) is amended to read as follows:

"REGULATIONS

"SEC. 431. (a) For the purpose of this section, the term 'regulation' means any generally applicable rule, regulation, guideline, interpretation, or other requirement that—

"(1) is prescribed by the Secretary or the Department; and

"(2) has legally binding effect in connection with, or affecting, the provision of financial assistance under any applicable program.

"(b) Regulations issued by the Secretary or the Department shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority on which such provision is based.

"(c) All such regulations shall be uniformly applied and enforced throughout the 50 States.

"(d) The Secretary shall promulgate regulations in accordance with chapter 5 of title 5, United States Code, except that the exemption in section 553(a)(2) of such chapter for public property, loans, grants, and benefits shall apply only to regulations—

"(1) that govern a grant competition for the first year of a new program; or

"(2) where the Secretary determines that the requirements of this subsection will cause extreme hardship to the intended beneficiaries of the program affected by such regulations.

"(e)(1) Following the enactment of any Act, or any part of any Act, affecting the administration of any applicable program, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a schedule in accordance with which the Secretary plans to promulgate final regulations that the Secretary determines are necessary to implement such Act or part of such Act. Subject to paragraph (2) of this subsection, such schedule shall provide that all such final regulations shall be promulgated within 480 days after the date of enactment of such Act or part of such Act.

"(2) If in developing such schedule the Secretary determines in an exceptional case, for good cause, that a final regulation cannot be promulgated within the period specified in paragraph (1), the Secretary shall include in such schedule the date by which such regulation will be promulgated and the reasons for such determination.

"(3) Except as provided in the following sentence, all such final regulations shall be promulgated in accordance with such schedule. If the Secretary, for good cause, later determines that the Secretary cannot comply with such schedule for reasons unforeseen at the time such schedule was submitted, the Secretary shall notify such committees of the reasons for such finding and submit a new schedule. All such final regulations shall be promulgated in accordance with such new schedule.

"(f) Concurrently with the publication of any final regulations, the Secretary shall transmit a copy of such final regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate.".

**SEC. 247. RECORDS; REDUCTION IN RETENTION REQUIREMENTS.**

Section 437 of the Act (20 U.S.C. 1232f) is amended—

(1) in subsection (a)—

(A) by striking "grant, subgrant, contract, subcontract, loan, or other arrangement (other than procurement contracts awarded by an administrative head of an educational agency)" and inserting "grant, subgrant, cooperative agreement, loan or other arrangement";

(B) by inserting "financial or programmatic" before "audit."; and

(C) by striking the last sentence; and

(2) in subsection (b), by striking "to any records of a recipient which may be related, or pertinent to, the grants, subgrants, contracts, subcontracts, loans, or other arrangements" and inserting "to any records maintained by a recipient that may be related, or pertinent to, grants, subgrants, cooperative agreements, loans, or other arrangements".

**SEC. 248. TECHNICAL AMENDMENTS.**

(a) HEADING FOR PART C.—The heading for part C of the Act (20 U.S.C. 1230 et seq.) is amended by striking "COMMISSIONER OF EDUCATION" and inserting "SECRETARY".

(b) SECTION 427.—Section 427 of the Act (20 U.S.C. 1231d) is amended—

(1) by striking "Commissioner" and inserting "Secretary"; and

(2) in the second sentence of the matter preceding paragraph (1), by inserting "is made" after "such determination".

(c) SECTION 430.—Section 430 of the Act (20 U.S.C. 1231g) is amended by striking "Commissioner" each place such term appears and inserting "Secretary".

(d) SECTION 433.—Section 433 of the Act (20 U.S.C. 1232b) is amended by striking "Except for emergency relief under section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), all laborers" and inserting "All laborers".

(e) SECTION 434.—

(1) AMENDMENT TO HEADING.—The heading for section 434 of the Act (20 U.S.C. 1232c) is amended by striking "EDUCATIONAL".

(2) AMENDMENT TO TEXT.—Section 434 of the Act (20 U.S.C. 1232c) is amended—

(A) by striking "Commissioner" each place such term appears and inserting "Secretary";

(B) by redesignating the matter following paragraph (3) of subsection (b) as subsection (c); and

(C) in subsection (c) (as redesignated by subparagraph (B)), by striking "paragraph (3)" and inserting "subsection (b)(3)".

(f) SECTION 435.—Section 435 of the Act (20 U.S.C. 1232d) is amended—

(1) by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(2) in subsection (a)—

(A) by striking the comma after "submits a plan";

(B) by striking ", in the case of programs under chapter 1 and chapter 2 of title I of the Elementary and Secondary Education Act of 1965,"; and

(C) by striking "title V of such Act" and inserting "part A of title V of the Elementary and Secondary Education Act of 1965" before "title V".

(g) SECTION 436.—Section 436 of the Act (20 U.S.C. 1232e) is amended—

(1) in subsection (a), by striking "that local education agency" and inserting "that local educational agency"; and

(2) in subsection (b)—

(A) in paragraph (2), by inserting a comma after "program";

(B) in paragraph (4), by striking "Commissioner" each place such term appears and inserting "Secretary"; and

(C) in paragraph (7)(B), by striking "handicapped individuals" and inserting "individuals with disabilities".

(h) SECTION 438.—Section 438 of the Act (20 U.S.C. 1232g) is amended—

(1) in subsection (a)(4)(B)(ii), by striking the period and inserting a semicolon;

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking "(iii) an administrative head of an education agency (as defined in section 408(c)), or (iv)" and inserting "or (iii)";

(B) in paragraph (1)(H), by striking "1954" and inserting "1986"; and

(C) in paragraph (3)—

(i) by striking "(C) an administrative head of an education agency or (D)" and inserting "or (C)"; and

(ii) by striking "education program" and inserting "education programs";

(3) in subsection (d), by inserting a comma after "education";

(4) in subsection (f)—

(A) by striking ", or an administrative head of an education agency,";

(B) by striking "enforce provisions of this section" and inserting "enforce this section";

(C) by striking "according to the provisions of" and inserting "in accordance with"; and

(D) by striking "comply with the provisions of this section" and inserting "comply with this section"; and

(5) in subsection (g)—

(A) by striking "of Health, Education, and Welfare"; and

(B) by striking "the provisions of".

**SEC. 249. REPEALS.**

Sections 421 (20 U.S.C. 1230), 423 (20 U.S.C. 1231b), 424 (20 U.S.C. 1231b–1), 426 (20 U.S.C. 1231c), 426A (20 U.S.C. 1231c–1), and 429 (20 U.S.C. 1231f) of the Act are repealed.

**SEC. 250. EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES.**

Subpart 1 of part C of the Act (20 U.S.C. 1231 et seq.) is further amended by inserting after section 425 the following new section:

"EQUITY FOR STUDENTS, TEACHERS, AND OTHER PROGRAM BENEFICIARIES

"SEC. 426. (a) The purpose of this section is to assist the Department in implementing its mission to ensure equal access to education and to promote educational excellence throughout the Nation, by ensuring equal opportunities to participate for all eligible students, teachers and other program beneficiaries in any project or activity carried out under an applicable program and promoting the ability of such students, teachers and beneficiaries to meet high standards.

"(b) The Secretary shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in such applicant's application the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age.

"(c) The Secretary may establish criteria and provide technical assistance for meeting the requirements of this section.

"(d) Nothing in this section shall be construed to alter in any way the rights or responsibilities established under the statutes cited in section 400(d) of this Act.".

**PART E—ADVISORY COMMITTEES**

**SEC. 251. REPEAL.**

Part D of the Act (20 U.S.C. 1233 et seq.) is repealed.

**PART F—RELATED AMENDMENTS TO OTHER ACTS**

**SEC. 261. DEPARTMENT OF EDUCATION ORGANIZATION ACT.**

(a) OFFICE OF PRIVATE EDUCATION.—Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) is amended by adding at the end the following new section:

"OFFICE OF PRIVATE EDUCATION

"SEC. 216. Subject to section 413, there shall be in the Department an Office of Private Education to ensure the maximum participation of nonpublic school students in all applicable programs, as such term is defined in section 400(c)(1) of the General Education Provisions Act, for which such children are eligible.".

(b) RULES; ACQUISITION AND MAINTENANCE OF PROPERTY.—Part B of title IV of the Department of Education Organization Act (20 U.S.C. 3471 et seq.) is amended—

(1) in section 414—

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

(B) by striking subsection (b);

(2) in section 421, by inserting "and to accept donations of services" after "personal,"; and

(3) by repealing section 427.

**PART G—CONFORMING AMENDMENTS**

**SEC. 271. THE REHABILITATION ACT OF 1973.**

(a) SECTION 9.—Section 9 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is repealed.

(b) SECTION 100.—Section 100 of the Rehabilitation Act of 1973 (29 U.S.C. 720) is amended by striking subsection (d).

**TITLE III—AMENDMENTS TO OTHER ACTS**

**PART A—AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT**

**SEC. 311. ALLOCATIONS UNDER SECTION 611 OF THE IDEA.**

(a) MAXIMUM AMOUNT.—Subsection (a) of section 611 of the Individuals with Disabilities Education Act (hereafter in this part referred to as the "Act") (20 U.S.C. 1141(a)) is amended—

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

"(1) Except as provided in paragraph (5), the maximum amount of the grant for which a State is entitled under this section for any fiscal year is—

"(A) the sum of—

"(i) the number of children with disabilities in the State, aged 6 through 21, who are receiving special education and related services, as determined under paragraph (3); and

"(ii) if the State is eligible for a grant under section 619, the number of such children in the State, aged 3 through 5; multiplied by

"(B) 40 percent of the average per-pupil expenditure in public elementary and secondary schools in the United States.";

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

"(2) For the purpose of this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico."; and

(3) in paragraph (5)(A)—

(A) in clause (i), by striking "and the State" and inserting ", or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State";

(B) in clause (ii)—

(i) by striking "and the State" and inserting ", or the combined percentage of such children counted by the Secretary for the purpose of making fiscal year 1994 allocations under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), whichever is greater, if the State"; and

(ii) by striking "; and" and inserting a period; and

(C) by striking clause (iii).

(b) STATE USES.—Subsection (b) of section 611 of the Act (20 U.S.C. 1141(b)) is amended to read as follows:

"(b)(1) Notwithstanding subsections (a) and (g), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

"(A) this section; and

"(B) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities aged 3 through 21.

"(2) If, for fiscal year 1998 or 1999, the number of children determined under subsection (a)(3) for any State is less than the total number of children with disabilities, aged 3 through 21, counted for that State's fiscal year 1994 grants under this section and under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994), then the amount determined under paragraph (1) for that State shall be reduced by the same percentage by which the number of those children so declined.

"(3)(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under paragraphs (1) and (2) for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) If additional funds become available for making payments under paragraphs (1) and (2) for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.".

(c) DISTRIBUTION.—Subsection (c) of section 611 of the Act (20 U.S.C. 1141(c)) is amended—

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

"(1) Of the funds received under subsection (a) by any State for any fiscal year—

"(A) a State may use not more than 25 percent of such funds in accordance with paragraph (2); and

"(B) except as provided in paragraph (4), the State shall distribute at least 75 percent of such funds to local educational agencies and intermediate educational units, in accordance with subsection (d), for use in accordance with priorities established under section 612(3)."; and

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

"(A) From the funds that any State may use under paragraph (1)(A) for any fiscal year, the State—

"(i) may use 5 percent of the funds received under this section or $450,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613; and

"(ii) shall use the remainder—

"(I) to provide support services and direct services, subject to subparagraph (B), in accordance with priorities established under section 612(3); and

"(II) for the administrative costs of monitoring and complaint investigation, but only to the extent that such costs exceed the costs of administration incurred during fiscal year 1985.".

(d) FORMULA.—Subsection (d) of section 611 of the Act (20 U.S.C. 1141(d)) is amended to read as follows:

"(d)(1) From the total amount of funds available for any fiscal year under subsection (c)(1)(B), the State shall provide to each local educational agency or intermediate educational unit an amount that bears the same ratio to such total amount as the number of children, aged 3 through 21, determined under subsection (a)(3) for such agency or unit bears to the total number of such children determined for all such agencies and units that apply for such funds.

"(2)(A) To the extent necessary, the State—

"(i) shall use funds available under subsection (c)(2)(A)(ii) to ensure that each State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) receives, from the sum of such funds and funds provided under paragraph (1), an amount equal to—

"(I) the number of children, aged 6 through 21, determined under subsection (a)(3) for such agency; multiplied by

"(II) the per-child amount provided under such subpart for fiscal year 1994; and

"(ii) shall use such funds to ensure that each local educational agency that received funds for fiscal year 1994 under such subpart for children who had transferred from a State-operated or State-supported school or program assisted under such subpart receives, from the sum of such funds and funds provided under paragraph (1), an amount for each such child, aged 3 through 21, determined under subsection (a)(3) for such agency, equal to the per-child amount the agency received under such subpart for fiscal year 1994.

"(B) For the purpose of subparagraph (A), the number of children determined under subsection (a)(3) for any State agency or local educational agency shall not exceed the number of children aged 3 through 21 for whom such agency received funds under such subpart for such fiscal year.".

(e) JURISDICTIONS.—Paragraph (1) of section 611(e) of the Act (20 U.S.C. 1141(e)(1)) is amended to read as follows:

"(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau.".

(f) INSUFFICIENT APPROPRIATIONS.—Subsection (g) of section 611 of the Act (20 U.S.C. 1141(g)) is amended to read as follows:

"(g)(1)(A) If the sums appropriated under subsection (h) for any fiscal year are not sufficient to pay in full the total of the amounts that all States are eligible to receive under subsection (a), each such amount shall be ratably reduced.

"(B) If additional funds become available for making such payments for any fiscal year, such reduced amounts shall be increased on the same basis as such payments were reduced.

"(C) Any State that receives any such additional funds shall distribute such funds in accordance with this section, except that any State that has used funds available under subsection (c)(2)(A)(ii) for the purposes described in subsection (d)(2) may—

"(i) deduct, from the amount that the State would otherwise be required to make available to local educational agencies and intermediate educational units, the same amount of such additional funds as the State so used; and

"(ii) use such funds in accordance with subsection (c)(2)(A)(ii).

"(2)(A) In any fiscal year for which payments have been reduced and additional funds have not been made available under paragraph (1) to pay in full the amounts for which all States are eligible under this section, each State educational agency shall fix dates by which each local educational agency or intermediate educational unit shall report to the State agency the amount of funds available to such agency under this section that such agency estimates such agency will expend.

"(B) The State educational agency shall, in accordance with this section, reallocate any funds that the State educational agency determines will not be used during the period of availability by local educational agencies and intermediate educational units, and by any such agency or unit to which such funds would be available if such agency or unit applied for such funds under this part, to those local educational agencies and intermediate educational units that the State educational agency determines will need, and be able to use, additional funds to carry out approved programs.".

**SEC. 312. TREATMENT OF CHAPTER 1 STATE AGENCIES.**

Part B of the Act (20 U.S.C. 1141 et seq.) is further amended by inserting after section 614 the following new section:

"TREATMENT OF CHAPTER 1 STATE AGENCIES

"SEC. 614A. (a) For the purpose of making payments under sections 611 and 619 of this Act, any State agency that received funds for fiscal year 1994 under subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall be treated as if the State agency were a local educational agency.

"(b) Any State agency which desires to receive payments under section 611(d) and section 619(c)(3) for any fiscal year shall submit an application to the State educational agency. Such application shall—

"(1) include an assurance that all children with disabilities who are participating in programs and projects funded under this part receive a free appropriate public education, and that such children and their parents are provided all the rights and procedural safeguards described in this part; and

"(2) meet those requirements of section 614 that the Secretary finds appropriate.

"(c) Section 611(c)(4) shall not apply with respect to a State agency that is eligible for a payment under this part by application of this section.".

**SEC. 313. INFANTS AND TODDLERS WITH DISABILITIES.**

(a) AMENDMENT.—Subsection (c) of section 684 of the Act (20 U.S.C. 1484) is amended—

(1) by redesignating paragraph (2) as paragraph (6);

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

"(1) Except as provided in paragraphs (3), (4), and (5) from the funds remaining for each fiscal year after the reservation and payments under subsections (a) and (b), the Secretary shall first allot to each State an amount that bears the same ratio to the amount of such remainder as the number of infants and toddlers in the State bears to the number of infants and toddlers in all States."; and

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

"(2) For fiscal year 1995 only, the Secretary shall allot $34,000,000 of the remaining funds described in paragraph (1) among the States in proportion to their relative numbers of infants and toddlers with disabilities who—

"(A) are counted on December 1, 1994; and

"(B) would have been eligible to be counted under section 1221(c)(1) of the Elementary and Secondary Education Act of 1965 (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994).

"(3) Except as provided in paragraphs (4) and (5), no State shall receive an amount under this section for any fiscal year that is less than the greater of—

"(A) one-half of one percent of the remaining amount described in paragraph (1), excluding any amounts allotted under paragraph (2); or

"(B) $500,000.

"(4)(A) Except as provided in paragraph (5), no State shall receive an amount under this section for any of the fiscal years 1995 through 1999 that is less than the sum of the amount such State received for fiscal year 1994 under—

"(i) this part; and

"(ii) subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (as such subpart was in existence on the day preceding the date of enactment of the Improving America's Schools Act of 1994) for children with disabilities from birth through age 2.

"(B) If, for fiscal year 1998 or 1999, the number of infants and toddlers in any State, as determined under paragraph (1), is less than the number of infants and toddlers so determined for fiscal year 1994, the amount determined under subparagraph (A) for that State shall be reduced by the same percentage by which the number of those infants and toddlers so declined.

"(5)(A) If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under this subsection for such year, the Secretary shall ratably reduce the allocations to such States for such year.

"(B) If additional funds become available for making payments under this subsection for such fiscal year, allocations that were reduced under subparagraph (A) shall be increased on the same basis as such allocations were reduced.".

(b) EFFECTIVE DATE.—Subsection (a) and the amendments made by subsection (a) shall take effect on October 1, 1994.

**PART B—AMENDMENTS TO THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT**

**SEC. 321. STATE LITERACY INITIATIVES.**

Section 702 of the Stewart B. McKinney Homeless Assistance Act (hereafter in this part referred to as "the Act") (42 U.S.C. 11421) is amended to read as follows:

"STATE LITERACY INITIATIVES

"SEC. 702. (a) GENERAL AUTHORITY.—

"(1) GRANTS.—The Secretary of Education is authorized to make grants to State educational agencies to enable each such agency to implement, either directly or through contracts and grants, a program of literacy training and academic remediation for adult homeless individuals within the State, which program shall—

"(A) include outreach activities; and

"(B) be coordinated with other agencies or organizations, such as community-based organizations, nonprofit literacy-action organizations, and recipients of funds under the Adult Education Act, title II of the Job Training Partnership Act, the Youth Fair Chance program under part H of title IV of the Job Training Partnership Act, the Volunteers in Service to America program under part A of title I of the Domestic Volunteer Service Act of 1973, part C of this title, or the Job Opportunity and Basic Skills program under part F of title IV of the Social Security Act.

"(2) ESTIMATES AND AMOUNTS.—The Secretary of Education, in awarding grants under this section, shall give special consideration to the estimates submitted in the application submitted under subsection (b) and make such awards in whatever amounts such Secretary determines will best serve the purposes of this section.

"(b) APPLICATION.—Each State educational agency desiring to receive a grant under this section shall submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall include an estimate of the number of homeless individuals in the State and the number of such individuals expected to be served.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the adult literacy and academic remediation programs authorized by this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1995 through 1999.

"(d) DEFINITION.—As used in this section, the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau).".

**SEC. 322. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.**

Subtitle B of title VII of the Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

"Subtitle B—Education for Homeless Children and Youth

"STATEMENT OF POLICY

"SEC. 721. It is the policy of the Congress that—

"(1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;

"(2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, appropriate public education as provided to other children and youth;

"(3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and

"(4) homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

"GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH

"SEC. 722. (a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d), (e), (f), and (g).

"(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(c) ALLOCATION AND RESERVATIONS.—(1) Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than $100,000.

"(2)(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau), according to their respective need for assistance under this subtitle, as determined by the Secretary.

"(B)(i) The Secretary is authorized to transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

"(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives and milestones.

"(3) As used in this subsection, the term 'State' shall not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or Palau.

"(d) MANDATED ACTIVITIES.—Grants under this section shall be used—

"(1) to carry out the policies set forth in section 721 in the State;

"(2) to provide activities for, and services to, homeless children, including preschool-aged children, and homeless youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

"(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

"(4) to prepare and carry out the State plan described in subsection (g); and

"(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

"(e) STATE AND LOCAL GRANTS.—(1)(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal

*year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, such agency shall use such funds as exceed the amount such agency received for fiscal year 1990 under this subtitle to provide grants to local educational agencies in accordance with section 723.*

*"(B) The State educational agency may reserve not more than the greater of 5 percent of the amount such agency receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.*

*"(2) If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at such agency's discretion, may provide grants to local educational agencies in accordance with section 723 or may conduct activities under subsection (f) directly or through grants or contracts.*

*"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—*

*"(1) estimate the number of homeless children and youth in the State and the number of such children and youth served with assistance provided under the grants or contracts under this subtitle;*

*"(2) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;*

*"(3) develop and carry out the State plan described in subsection (g);*

*"(4) prepare and submit to the Secretary not later than October 1, 1997, and on October 1 of every third year thereafter, a report on the information gathered pursuant to paragraphs (1) and (2) and such additional information as the Secretary may require to carry out the Secretary's responsibilities under this subtitle;*

*"(5) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and*

*"(6) develop relationships and coordinate with other relevant education, child development, or preschool programs and providers of services to homeless children, homeless families, and runaway and homeless youth (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth), to improve the provision of comprehensive services to homeless children and youth and their families.*

*"(g) STATE PLAN.—(1) Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—*

*"(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;*

*"(B) describe programs for school personnel (including principals, attendance officers, teachers and enrollment personnel), to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;*

*"(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;*

*"(D) describe procedures that ensure that—*

*"(i) homeless children have equal access to preschool programs provided to other children; and*

*"(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;*

*"(E) address problems set forth in the report provided to the Secretary under subsection (f)(4);*

*"(F) address other problems with respect to the education of homeless children and youth, including problems caused by—*

*"(i) transportation issues; and*

*"(ii) enrollment delays that are caused by—*

*"(I) immunization requirements;*

*"(II) residency requirements;*

*"(III) lack of birth certificates, school records, or other documentation; or*

*"(IV) guardianship issues;*

*"(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and will review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and*

*"(H) contain an assurance that the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not isolated or stigmatized.*

*"(2) Each plan adopted under this subsection shall also show how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).*

*"(3)(A) The local educational agency of each homeless child and youth shall, according to the child's or youth's best interest, either—*

*"(i) continue the child's or youth's education in the school of origin—*

*"(I) for the remainder of the academic year; or*

*"(II) in any case in which a family becomes homeless between academic years, for the following academic year; or*

*"(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.*

*"(B) In determining the best interests of the child or youth under subparagraph (A), the local educational agency shall comply, to the extent feasible, with the request made by a parent or guardian regarding school selection.*

*"(C) For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.*

*"(D) The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.*

*"(4) Each homeless child or youth shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—*

*"(A) transportation services, except as required by paragraph (9);*

*"(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;*

*"(C) programs in vocational education;*

*"(D) programs for gifted and talented students; and*

*"(E) school meals programs.*

*"(5) Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—*

*"(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and*

*"(B) in a manner consistent with section 438 of the General Education Provisions Act.*

*"(6) Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate with local social services agencies and other agencies or programs providing services to such children or youth and their families.*

*"(7)(A) Each local educational agency that receives assistance under this subtitle shall designate a homelessness liaison to ensure that—*

*"(i) homeless children and youth enroll and succeed in the schools of that agency; and*

*"(ii) homeless families, children, and youth receive educational services for which such children and youth are eligible, including preschool programs, and referrals to health care services, dental services, mental health services, and other appropriate services.*

*"(B) State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.*

*"(8) Each State educational agency and local educational agency shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3). In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship. Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.*

*"(9) Each plan adopted under this subsection shall—*

*"(A) demonstrate that transportation, to the extent possible, will be provided at no cost to homeless children and youth attending the school in which such children are enrolled; and*

*"(B) contain procedures for resolving disputes between local educational agencies or within a local educational agency concerning transportation costs for such children and youth.*

*"(10) Where applicable, each State and local educational agency shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzalez National Affordable Housing Act to minimize educational disruption for children who become homeless.*

*"LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH*

*"SEC. 723. (a) GENERAL AUTHORITY.—(1) The State educational agency shall, in accordance with section 722(e) and from amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.*

*"(2) Unless otherwise specified, services under paragraph (1) may be provided through programs on school grounds or at other facilities.*

*Where services are provided through programs on school grounds, such services may also be made available to children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, except that priority for such services shall be given to homeless children and youth. To the maximum extent practicable, services shall be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals.*

*"(3) Services provided under this section shall be designed to expand upon or improve services provided as part of the school's regular academic program.*

*"(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require according to guidelines issued by the Secretary. Each such application shall include—*

*"(1) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;*

*"(2) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year;*

*"(3) an assurance that the applicant complies with, or will use requested funds to come into compliance with, paragraphs (3) through (9) of section 722(g); and*

*"(4) a description of policies and procedures that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.*

*"(c) AWARDS.—(1) The State educational agency shall, in accordance with section 722(g) and from amounts made available to such agency under section 726, award grants under this section to local educational agencies submitting an application under subsection (b) on the basis of the need of such agencies.*

*"(2) In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—*

*"(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;*

*"(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, as well as the State plan required by section 722(g);*

*"(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and*

*"(D) such other criteria as the agency determines appropriate.*

*"(3) Grants awarded under this section shall be for terms not to exceed three years.*

*"(d) AUTHORIZED ACTIVITIES.—(1) A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—*

*"(A) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children or youth;*

*"(B) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational education, and school meals programs);*

*"(C) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;*

*"(D) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;*

*"(E) the provision of assistance to defray the excess cost of transportation for students pursuant to sections 722(g)(4) or 722(g)(9), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);*

*"(F) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;*

*"(G) the provision of before- and after-school and summer enrichment programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;*

*"(H) where necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;*

*"(I) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;*

*"(J) the development of coordination between schools and agencies providing services to homeless children and youth;*

*"(K) the provision of pupil services (including violence prevention counseling) and referrals for such services;*

*"(L) activities to address the particular needs of homeless children and youth that may arise from domestic violence;*

*"(M) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;*

*"(N) the provision of school supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and*

*"(O) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.*

*"SECRETARIAL RESPONSIBILITIES*

*"SEC. 724. (a) REVIEW OF PLANS.—In reviewing the State plans submitted by the State educational agencies under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.*

*"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle.*

*"(c) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.*

*"(d) REPORTS.—The Secretary shall prepare and submit a report to Congress on the programs and activities authorized by this subtitle by December 31, 1997, and every third year thereafter.*

*"DEFINITIONS*

*"SEC. 725. For the purpose of this subtitle, the following terms have the following meanings:*

*"(1) The term 'Secretary' means the Secretary of Education.*

*"(2) The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.*

*"AUTHORIZATION OF APPROPRIATIONS*

*"SEC. 726. For the purpose of carrying out this subtitle, there are authorized to be appropriated $30,000,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.".*

## *PART C—REPEAL OF IMPACT AID STATUTES*

***SEC. 331. REPEAL OF IMPACT AID STATUTES.***

*(a) PUBLIC LAW 81–815.—The Act entitled "An Act relating to the construction of school facilities in areas affected by Federal activities, and for other purposes", approved September 23, 1950 (64 Stat. 967; 20 U.S.C. 631 et seq.) is repealed.*

*(b) PUBLIC LAW 81–874.—The Act entitled "An Act to provide assistance for local educational agencies in areas affected by Federal activities, and for other purposes", approved September 30, 1950 (64 Stat. 1100; 20 U.S.C. 236 et seq.) is repealed.*

## *PART D—OTHER ACTS*

***SEC. 341. GOALS 2000: EDUCATE AMERICA ACT.***

*(a) REPEALS.—Sections 231, 232, 234, and 235 of the Goals 2000: Educate America Act are repealed.*

*(b) GIFT AUTHORITY.—*

*(1) NATIONAL EDUCATION GOALS PANEL.—Section 204 of the Goals 2000: Educate America Act is amended by adding at the end the following new subsection:*

*"(f) GIFTS.—The Goals Panel may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.".*

*(2) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—Section 215 of the Goals 2000: Educate America Act is amended by adding at the end the following new subsection:*

*"(f) GIFTS.—The Council may accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible.".*

*(c) SAFE SCHOOLS.—Paragraph (2) of section 702(b) of the Safe Schools Act of 1994 (20 U.S.C. 5962(b)(2)) is amended by striking "10 percent" and inserting "5 percent".*

***SEC. 342. EDUCATION COUNCIL ACT OF 1991.***

*Title II of the Education Council Act of 1991 (20 U.S.C. 1221–1 note) is repealed.*

***SEC. 343. AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988.***

*Title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4901 et seq.) is repealed.*

## TITLE IV—MISCELLANEOUS

**SEC. 401. DOCUMENTS TRANSMITTED TO CONGRESS.**

*In documents transmitted to Congress explaining the President's budget request for the Special Education account, the Department of Education shall display amounts included in the request to offset the termination of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 by the Improving America's Schools Act of 1994.*

## TITLE V—WORKERS TECHNOLOGY SKILL DEVELOPMENT

**SEC. 501. SHORT TITLE.**

*This title may be cited as the "Workers Technology Skill Development Act".*

**SEC. 502. FINDINGS.**

*Congress finds and declares the following:*

*(1) In an increasingly competitive world economy, the companies and nations that lead in the rapid development, commercialization, and application of new and advanced technologies, and in the high-quality, competitively priced production of goods and services, will lead in economic growth, employment, and high living standards.*

*(2) While the United States remains the world leader in science and invention, it has not done well in rapidly making the transition from achievement in its research laboratories to high-quality, competitively priced production of goods and services. This lag and the unprecedented competitive challenge that the United States has faced from abroad have contributed to a drop in real wages and living standards.*

*(3) Companies that are successfully competitive in the rapid development, commercialization, application, and implementation of advanced technologies, and in the successful delivery of goods and services, recognize that worker participation and labor-management cooperation in the deployment, application, and implementation of advanced workplace technologies make an important contribution to high-quality, competitively priced production of goods and services and in maintaining and improving real wages for workers.*

*(4) The Federal Government has an important role in encouraging and augmenting private sector efforts relating to the development, application, manufacture, and deployment of new and advanced technologies. The role should be to—*

*(A) work with private companies, States, worker organizations, nonprofit organizations, and institutions of higher education to ensure the development, application, production, and implementation of new and advanced technologies to promote the improvement of workers' skills, wages, job security, and working conditions, and a healthy environment;*

*(B) encourage worker and worker organization participation in the development, commercialization, evaluation, selection, application, and implementation of new and advanced technologies in the workplace; and*

*(C) promote the use and integration of new and advanced technologies in the workplace that enhance workers' skills.*

*(5) In working with the private sector to promote the technological leadership and economic growth of the United States, the Federal Government has a responsibility to ensure that Federal technology programs help the United States to remain competitive and to maintain and improve living standards and to create and retain secure jobs in economically stable communities.*

**SEC. 503. PURPOSES.**

*The purposes of this title are to—*

*(1) improve the ability of workers and worker organizations to recognize, develop, assess, and improve strategies for successfully integrating workers and worker organizations into the process of evaluating, selecting, and implementing advanced workplace technologies, and advanced workplace practices in a manner that creates and maintains stable well-paying jobs for workers; and*

*(2) assist workers and worker organizations in developing the expertise necessary for effective participation with employers in the development of strategies and programs for the successful evaluation, selection, and implementation of advanced workplace technologies and advanced workplace practices through the provision of a range of education, training, and related services.*

**SEC. 504. DEFINITIONS.**

*As used in this title:*

*(1) ADVANCED WORKPLACE PRACTICES.—The term "advanced workplace practices" means innovations in work organization and performance, including high-performance workplace systems, flexible production techniques, quality programs, continuous improvement, concurrent engineering, close relationships between suppliers and customers, widely diffused decisionmaking and work teams, and effective integration of production technology, worker skills and training, and workplace organization, and such other characteristics as determined appropriate by the Secretary of Labor, in consultation with the Secretary of Commerce.*

*(2) ADVANCED WORKPLACE TECHNOLOGIES.—The term "advanced workplace technologies" includes—*

*(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving the manufacturing and industrial production of goods and commercial services, which advance the state-of-the-art; or*

*(B) novel industrial and commercial techniques and processes not previously generally available that improve quality, productivity, and practices, including engineering design, quality assurance, concurrent engineering, continuous process production technology, inventory management, upgraded worker skills, communications with customers and suppliers, and promotion of sustainable economic growth.*

*(3) DEPARTMENT.—The term "Department" means the Department of Labor.*

*(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means a tax-exempt organization, as described in paragraph (3), (4), or (5) of section 501(c) of the Internal Revenue Code of 1986.*

*(5) SECRETARY.—The term "Secretary" means the Secretary of Labor.*

*(6) WORKER ORGANIZATION.—The term "worker organization" means a labor organization within the meaning of section 501(c)(5) of the Internal Revenue Code of 1986.*

**SEC. 505. GRANTS.**

*(a) IN GENERAL.—The Secretary of Labor, after consultation with the Secretary of Commerce, shall, to the extent appropriations are available, award grants to eligible entities to carry out the purposes described in section 503.*

*(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—*

*(1) be a nonprofit organization, or a partnership consortium of such institutions or organizations;*

*(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the activities that the entity will carry out using amounts received under the grant; and*

*(3) agree to make available (directly or through donations from public or private entities) non-Federal contributions toward the costs of the activities to be conducted with grant funds, in an amount equal to the amount required under subsection (d).*

*(c) USE OF AMOUNTS.—An entity shall use amounts received under a grant awarded under this section to carry out the purposes described in section 503 through activities such as—*

*(1) the dissemination of information to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers regarding successful practices relating to the effective deployment of advanced workplace technologies, and advanced workplace practices;*

*(2) the provision of technical assistance to workers, worker organizations, employers, State economic development agencies, State industrial extension programs, Advanced Technology Centers, and National Manufacturing Technology Centers to identify advanced workplace practices and strategies that enhance the effective evaluation, selection, and implementation of advanced workplace technologies;*

*(3) the researching and identification of new and advanced workplace technologies, and advanced workplace practices that promote the improvement of workers' skills, wages, working conditions, and job security, that research the link between advanced workplace practices and long-term corporate performance, and that are consistent with the needs of local communities and the need for a healthy environment; and*

*(4) the development and dissemination of training programs and materials relating to the services provided pursuant to paragraphs (1) through (3).*

*(d) TERMS OF GRANTS AND NON-FEDERAL SHARES.—*

*(1) TERMS.—Grants awarded under this section shall be for a term not to exceed 6 years.*

*(2) NON-FEDERAL SHARE.—Amounts required to be contributed by an entity under subsection (b)(3) shall equal—*

*(A) an amount equal to 15 percent of the amount provided under the grant in the first year for which the grant is awarded;*

*(B) an amount equal to 20 percent of the amount provided under the grant in the second year for which the grant is awarded;*

*(C) an amount equal to 33 percent of the amount provided under the grant in the third year for which the grant is awarded;*

*(D) an amount equal to 40 percent of the amount provided under the grant in the fourth year for which the grant is awarded; and*

*(E) an amount equal to 50 percent of the amount provided under the grant in the fifth and sixth years for which the grant is awarded.*

*(e) EVALUATION.—The Department shall develop mechanisms for evaluating the effectiveness of the use of a grant awarded under this section in carrying out the purposes under section 503 and, not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, prepare and submit a report to Congress concerning such evaluation.*

**SEC. 506. IDENTIFICATION AND DISSEMINATION OF BEST PRACTICES.**

*(a) IN GENERAL.—*

*(1) INFORMATION.—The Secretary, in cooperation and after consultation with the Secretary of Commerce, shall assist workers, worker organizations, and employers in successfully adopting advanced workplace technologies, and advanced workplace practices by identifying, collecting, and disseminating information on best workplace practices and workplace assessment tools, including—*

*(A) methods, techniques, and successful models of labor-management cooperation and of worker and worker organization participation in the development, evaluation, selection, and implementation of new and advanced workplace technologies, and advanced workplace practices;*

*(B) methods, techniques, and successful models for the design and implementation of new and advanced workplace practices;*

*(C) methods, techniques, and successful models for the design and implementation of advanced forms of work organization; and*

*(D) methods, techniques, and successful models for the assessment of worker skills and training needs relating to the effective development, evaluation, selection, and implementation of advanced workplace technologies, and advanced workplace practices.*

*(2) CONTENTS.—Such information on best workplace practices shall include—*

*(A) summaries and analyses of best practice cases;*

*(B) criteria for assessment of current workplace practices; and*

*(C) information on the best available education and training materials and services relating to the development, implementation, and operation of systems utilizing new and advanced workplace technologies, and advanced workplace practices.*

*(b) DISTRIBUTION.—The information and materials developed under this section shall be distributed through an appropriate entity designated by the Secretary of Commerce to the Regional Centers for the Transfer of Manufacturing Technology, to the Manufacturing Outreach Center, to other technology training entities, and directly to others as determined appropriate by the Secretary of Labor and the Secretary of Commerce.*

***SEC. 507. AUTHORIZATION OF APPROPRIATIONS.***

*(a) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1995 through 1997.*

*(b) AVAILABILITY.—Amounts appropriated under subsection (a) shall remain available until expended.*

The PRESIDING OFFICER. The unanimous-consent request proposed by the Senator from Massachusetts is agreed to.

The committee modifications are as follows:

On page 465, in the table of contents, strike the item relating to section 13203.

On page 478, line 3, insert "proficient and" after "State's".

On page 478, line 8, strike "one assessment" and insert "mathematics, and reading or language arts,".

On page 479, line 13, insert ", so long as a State includes in the State plan information regarding the State's efforts to validate such measures" before the semicolon.

On page 479, line 19, strike "reports" and insert "interpretive and descriptive reports, which may include scores and other information on the attainment of student performance standards".

On page 479, line 24, insert "migratory children," after "disabilities,".

On page 479, line 25, strike "and".

On page 480, line 10, strike the period and insert "; and".

On page 480, between lines 10 and 11, insert the following:

"(K) particularly for assessments given in kindergarden, or grades one or two, be developmentally appropriate.

On page 480, line 25, insert ", including at least mathematics, and reading or language arts, in one grade in each school," after "assessments".

On page 481, line 16, strike "one or".

On page 487, line 20, insert ", where appropriate, educational" before "services".

On page 487, line 22, insert ", for neglected and delinquent children in community day school programs," after "children".

On page 489, between lines 15 and 16, insert the following:

"(4) give priority to serving students in the earlier grades of schools that receive funds under this part.

On page 489, line 16, strike "(4)" and insert "(5)".

On page 489, line 21, strike "(5)" and insert "(6)".

On page 490, line 12, strike "(6)" and insert "(7)".

On page 490, line 18, strike "(7)" and insert "(8)".

On page 490, line 24, strike "(8)" and insert "(9)".

On page 496, line 2, strike "and".

On page 496, line 4, strike the period and insert "; and".

On page 496, between lines 4 and 5, insert the following:

"(C) where appropriate, neglected and delinquent children in community day school programs.

On page 496, strike lines 5 through 15, and insert the following:

"(d) INAPPLICABILITY.—

"(1) IN GENERAL.—Subsections (a) and (c) shall not apply—

"(A) to a local educational agency with a total enrollment of less than 1,000 children, except that such agency shall serve school attendance areas or schools in rank order according to grade span or school on the basis of the total number of children from low-income families in grade levels served in such area or school; or

"(B) to a school participating in a desegregation program where the number of economically disadvantaged children served by the school is equal to or greater than 100 or equal to or greater than 25 percent of such school's total student enrollment.

"(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school described in paragraph (1) shall be at least 65 percent of the per pupil amount of funds the local educational agency serving such area or school received for that year under the poverty criterion described by such agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of children from low-income families is 50 percent or greater.

"(B) A local educational agency described in subparagraph (A) may reduce the amount of funds allocated under such subparagraph for a school attendance area or school by the amount of any supplemental State and local funds expended in such area or school for programs that meet the requirements of section 1114 or 1115.

On page 498, strike lines 3 through 21, and insert the following:

"(3) SPECIAL RULE.—(A) Except as provided in subsection (b), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under section 1114 from statutory or regulatory provisions of any other noncompetitive, formula grant program administered by the Secretary, or any discretionary grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act), to support schoolwide programs, if the intent and purposes of such other programs are met. Such notice shall not be subject to the requirements in section 431 of the General Education Provisions Act or section 553 of title 5, United States Code.

"(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, gender equity, student and parental participation and involvement, services to private school children, maintenance of effort, comparability of services, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

On page 502, line 17, insert "Such activities shall be jointly developed by the principal, teachers, and other staff of each school." after "standards.".

On page 510, line 23, strike "proficiency in" and insert "a tested proficiency in English and".

On page 512, line 4, strike "interpretation" and insert "explanation".

On page 513, line 6, strike "(G)" and insert "(H)".

On page 528, line 12, strike "(F)" and insert "(I)".

On page 534, line 11, insert "met or" after "has".

On page 539, line 21, strike "all".

On page 539, line 22, strike "all".

On page 556, line 9, strike "1.05" and insert "1.00".

On page 557, line 8, strike "32" and insert "34".

On page 563, line 22, strike "No State", and insert "Notwithstanding subsection (d)(1), no State".

On page 608, line 6, strike "spouse" and insert "guardian".

On page 619, strike lines 19 through 21, and insert the following:

"(3) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in subparagraph (1)(A).

On page 625, line 11, strike "1701" and insert "1702".

On page 639, line 23, strike "an evaluations" and insert "and evaluations".

On page 640, between lines 3 and 4, insert the following:

**"SEC. 1704. RESERVATION OF FUNDS FOR TERRITORIES.**

"There is authorized to be appropriated for each fiscal year for purposes of each of parts D and E of this title an amount equal to not more than 1 percent of the amount appropriated for such year for such parts, for payments to the outlying areas under each such part. The amounts appropriated for each such part shall be allotted among the outlying areas according to the outlying areas' respective need for such grants, based on such criteria as the Secretary determines will best carry out the purposes of this title.

On page 642, line 21, strike "retraining" and insert "retaining".

On page 651, line 13, insert "teacher educators," after "teachers,".

On page 652, line 13, insert "effective prevention and" after "staff in".

On page 652, line 14, strike "inappropriate" and insert "assure appropriate".

On page 659, line 3, insert "prevention and" before "intervention".

On page 659, line 5, strike "and inappropriate" and insert "or assure appropriate".

On page 678, line 18, insert "effective prevention and" before "intervention".

On page 678, lines 19 and 20, strike "inappropriate" and insert "assure appropriate".

On page 684, line 9, insert "prevention and" after "effective".

On page 684, line 11, strike "and inappropriate" and insert "or assure appropriate".

On page 688, lines 1 and 2, strike "and D" and insert ", D and H".

On page 693, strike lines 5 through 8, and insert the following:

"ment effective collaboration—

"(A) for the instruction of children with disabilities placed into general education settings, consistent with such child's individualized education program; and

"(B) in prevention and intervention strategies to alleviate the need for, or assure appropriate, referrals of children for special education services;".

On page 696, line 8, strike "and".

On page 696, line 10, strike the period and insert "; and".

On page 696, between lines 10 and 11, insert the following:

"(22) support for partnerships between (A) schools, consortia of schools, or local educational agencies, and (B) institutions of higher education, including schools of education, that encourage teachers to participate in intensive, ongoing professional development programs, both academic and pedagogical, at institutions of higher education, and encourage students at institutions of higher education studying to become teachers to have direct, practical experience at schools.

On page 706, line 9, strike "and".

On page 707, line 10, strike the period and insert "; and".

On page 707, between lines 10 and 11, insert the following:

"(4) the term 'prevention', when used with respect to strategies, includes activities conducted to—

"(A) detect and overcome early manifestations of learning, health and social, and behavioral, problems that may impede later student learning and school achievement;

"(B) prevent students from failing to achieve commensurate with their abilities; and

"(C) alleviate the need, or increase the probability of appropriate referrals, for special education services.

On page 718, line 21, strike "The" and insert "Notwithstanding section 6205, the".

On page 738, line 16, strike "**EDUCATIONAL TECHNOLOGY**" and insert "**TECHNOLOGY FOR EDUCATION**".

On page 742, between lines 23 and 24, insert the following:

"(1) the term 'adult education' has the same meaning given such term by section 312 of the Adult Education Act;

On page 742, line 24, strike "(1)" and insert "(2)".

On page 743, line 6, strike "(2)" and insert "(3)".

On page 743, line 10, strike "(3)" and insert "(4)".

On page 743, line 18, strike "easily exchange" and insert "exchange easily".

On page 743, line 17, strike "(4)" and insert "(5)".

On page 743, line 21, insert "and other users" before the semicolon.

On page 743, line 22, strike "(5)" and insert "(6)".

On page 744, line 3, strike "(6)" and insert "(7)".

On page 744, line 5, strike "(7)" and insert "(8)".

On page 744, line 8, strike "(8)" and insert "(9)".

On page 744, line 12, strike "(9)" and insert "(10)".

On page 745, line 7, insert "and other educational settings" before "at".

On page 745, line 8, strike "educational".

On page 745, line 9, insert "for education" after "activities".

On page 748, line 9, strike "educational".

On page 748, line 9, insert "to education" after "technology".

On page 749, line 10, insert "the National Institute for Literacy" after "Arts,".

On page 750, line 16, strike "and".

On page 750, between lines 16 and 17, insert the following:

"(v) increased access to high quality adult and family education services through the use of technology for instruction and professional development; and

On page 750, line 17, strike "(v)" and insert "(vi)".

On page 752, line 1, strike "educational".

On page 752, line 2, insert "for education" after "technology".

On page 752, line 5, insert "adult education," after "education,".

On page 752, line 15, strike "educational applications" and insert "applications for education".

On page 757, line 16, strike "and schools" and insert ", schools and adult education programs".

On page 765, line 18, insert "a description of how the product can be adapted for use by students with disabilities including" before "provisions".

On page 768, line 19, strike "**EDUCATIONAL**".

On page 768, line 20, insert "**FOR EDUCATION**" after "**NETWORKS**".

On page 771, line 21, strike "structures and" and insert "structures,".

On page 771, line 22, insert "certification and recertification of teachers, and issues related to how technology fits into the school environment," after "rights,".

On page 771, line 24, strike "highways" and insert "infrastructure".

On page 771, lines 24 and 25, strike "and make recommendations to the Congress regarding such issues".

On page 784, lines 13 and 14, strike "at times other than the regular school day".

On page 789, line 18, strike "broadcasting" and insert "making".

On page 789, line 19, insert "available" before "to".

On page 790, line 17, strike "this part" and insert "subsection (a)".

On page 791, line 22, insert "the Department of Commerce," after "Agriculture,".

On page 798, lines 22 and 23, strike "at times other than the regular school day in order".

On page 799, line 9, strike "part" and insert "section".

On page 799, line 24, insert "and ensuring that there is not needless duplication of existing information infrastructure" before the semicolon.

On page 801, line 23, strike "part" and insert "section".

On page 803, line 15, strike "this part" and insert "section 3203".

On page 804, line 19, strike "this part" and insert "section 3203".

On page 806, between lines 18 and 19, insert the following:

"(c) TELECOMMUNICATIONS PROGRAMS FOR CONTINUING EDUCATION.—

"(1) AUTHORITY.—The Secretary is authorized to award grants, on a competitive basis, to eligible telecommunications partnerships to enable such partnerships to develop and operate one or more programs which provide on-line access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion and the acquisition of specified competency by the end of the 12th grade, as envisioned by the Goals 2000: Educate America Act.

"(2) APPLICATION.—Each eligible telecommunications partnership desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

"(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its equivalent;

"(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

"(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

"(D) assure that the applicant has the technological and substantive experience to carry out the program; and

"(E) contain such additional assurances as the Secretary may reasonably require.

On page 847, beginning with line 20, strike all through page 848, line 17, and insert the following:

"(7) Alcohol and tobacco are widely used by young people. Such use can, and does, have adverse consequences for young people, their families, communities, schools, and colleges. Drug prevention programs for youth that address only controlled drugs send an erroneous message that alcohol and tobacco do not present significant problems, or that society is willing to overlook their use. To be credible, messages opposing illegal drug use by youth should address alcohol and tobacco as well.

"(8) Every day approximately 3,000 children start smoking. Thirty percent of all secondary school seniors are smokers. Half of all new smokers begin smoking before the age of 14, 90 percent of such smokers begin before the age of 21, and the average age of the first use of smokeless tobacco is under the age of 10. Use of tobacco products has been linked to serious health problems. Drug education and prevention programs that include tobacco have been effective in reducing teenage use of tobacco.

On page 876, line 19, insert "Chair of the Ounce of Prevention Council," after "Policy,".

On page 879, lines 24 and 25, strike ", the use of tobacco".

On page 880, line 2, strike "and".

On page 880, between lines 2 and 3, insert the following:

"(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco; and

On page 880, line 3, strike "(B)" and insert "(C)".

On page 895, between lines 11 and 12, insert the following:

**"TITLE VI—INDIAN EDUCATION**

**"SEC. 6001. FINDINGS.**

"The Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content standards and student performance standards and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

"(C) meet the special educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high, for example, nine percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

**"SEC. 6002. PURPOSE.**

"(a) PURPOSE.—It is the purpose of this title to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the special educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all students.

"(b) PROGRAMS.—This title carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the special educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

## "PART A—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

**"SEC. 6101. PURPOSE.**

"It is the purpose of this part to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students meet those standards and assist the Nation in reaching the National Education Goals.

**"SEC. 6102. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

"(a) IN GENERAL.—A local educational agency shall be eligible for a grant under this part for any fiscal year if the number of Indian children who are eligible under section 6106 and were enrolled in the schools of such agency and to whom the agency provided a free public education, during the preceding fiscal year—

"(1) was at least 10; or

"(2) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(b) INDIAN TRIBES.—If a local educational agency that is eligible for a grant under this part does not apply for such grant, an Indian tribe that has children who are served by such local educational agency may apply for such grant.

**"SEC. 6103. AMOUNT OF GRANTS.**

"(a) AMOUNT OF GRANT AWARDS.—

"(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency with respect to which the Secretary has approved an application under this part an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 6106 and served by such agency; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

"(b) MINIMUM GRANT.—A local educational agency or an Indian tribe (as authorized under section 6102(b)) that is eligible for a grant under section 6102, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this part in an amount that is not less than $4,000.

"(c) DEFINITION.—For the purpose of this section, the average per-pupil expenditure of a State shall be an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

"(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—

"(1) IN GENERAL.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988 (part B of title V of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988); and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure in the United States.

"(2) TRANSFER.— The Secretary shall transfer the amount determined under paragraph (1), subject to any reduction that may be necessary under subsection (e), to the Secretary of the Interior in accordance with, and subject to, section 10205.

"(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 6602(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

**"SEC. 6104. APPLICATIONS.**

"(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2) explains how Federal, State, and local programs, especially programs under title I, will meet the needs of such children;

"(3) demonstrates how funds made available under this part will be used for activities described in section 6105;

"(4) describes the professional development opportunities that will be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in the program assisted under this part have been properly trained to carry out such program; and

"(5) describes how the local educational agency—

"(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this part, in meeting the goals described in paragraph (2);

"(B) will provide the results of each assessment referred to in subparagraph (A) to—

"(i) the committee of parents described in subsection (c)(4); and

"(ii) the community served by the local educational agency; and

"(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

"(c) ASSURANCES.—Each application submitted under subparagraph (a) shall include assurances that—

"(1) the local educational agency will use funds received under this part only to supplement the level of funds that, in the absence of the Federal funds made available under this part, such agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

"(A) carry out the functions of the Secretary under this part; and

"(B) determine the extent to which funds provided to the local educational agency under this part are effective in improving the educational achievement of Indian students served by such agency;

"(3) the program for which assistance is sought—

"(A) is based on a local assessment and prioritization of the special educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

"(B) will use the best available talents and resources, including individuals from the Indian community; and

"(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

"(4) the local educational agency developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by—

"(i) Indian parents of Indian children in the schools of the local educational agency, and teachers; and

"(ii) if appropriate, Indian students attending secondary schools;

"(B) the membership of which is at least three-fourths Indian parents of Indian children;

"(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

"(D) with respect to an application describing a schoolwide program in accordance with section 6105(c), has—

"(i) reviewed the program; and

"(ii) determined that the program will not diminish the availability of culturally related activities for American Indians and Alaskan Native students; and

"(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

**"SEC. 6105. AUTHORIZED SERVICES AND ACTIVITIES.**

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this part shall use the grant funds, in a manner consistent with the purpose specified in section 6101, for services and activities that—

"(1) are designed to carry out the comprehensive plan of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 6104(b);

"(2) are designed with special regard for the language and cultural needs of the Indian students; and

"(3) supplement and enrich the regular school program of such agency.

"(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) culturally related activities that support the program described in the application submitted by the local educational agency;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

"(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

"(5) school-to-work transition activities to enable Indian students to participate in programs such as the programs supported by the School-to-Work Opportunities Act of 1994 and the Carl D. Perkins Vocational and Applied Technology Education Act, including programs for technical preparation, mentoring, and apprenticeship;

"(6) activities to educate individuals concerning substance abuse and to prevent substance abuse; and

"(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 6101.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to the agency under this part to support a schoolwide program under section 1114 if—

"(1) at least 50 percent of the enrollment of the school that is the subject of the schoolwide program is comprised of Indian children;

"(2) the committee composed of parents established pursuant to section 6104(c)(4) approves the use of the funds for the schoolwide program; and

"(3) the schoolwide program is consistent with the purpose described in section 6101.

**"SEC. 6106. STUDENT ELIGIBILITY AND FORMS.**

"(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this part, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this part and that otherwise meets the requirements of subsection (b).

"(b) FORMS.—

"(1) IN GENERAL.—The form described in subsection (a) shall include—

"(A) either—

"(i)(I) the name of the tribe or band of Indians (as defined in section 6601(4)) with respect to which the child claims membership;

"(II) the enrollment number establishing the membership of the child (if readily available); and

"(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of any parent or grandparent of the child from whom the child claims eligibility;

"(B) a statement of whether the tribe or band of Indians with respect to which the child, parent or grandparent of the child claims membership is federally recognized;

"(C) the name and address of the parent or legal guardian of the child;

"(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(E) any other information that the Secretary considers necessary to provide an accurate program profile.

"(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 6103, an eligibility form prepared pursuant to this section for a child shall include—

"(A) the name of the child;

"(B) the name of the tribe or band of Indians (as defined in section 6601(4)) with respect to which the child claims eligibility; and

"(C) the dated signature of the parent or guardian of the child.

"(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 6103.

"(c) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect a definition contained in section 6601.

"(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish such eligibility; and

"(2) to meet the requirements of subsection (a).

"(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 6103, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe, band, or group. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

"(f) MONITORING AND EVALUATION REVIEW.—

"(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this part, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this part. The sampling conducted under this subparagraph shall take into account size of the local educational agency and the geographic location of such agency.

"(B) Notwithstanding any other provision of law, a local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this part; and

"(B) be liable to the United States for any funds provided to the local educational agency that have not been expended.

"(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (d) shall not be counted for the purpose of computing the amount of a grant under section 6103.

"(g) DISTRIBUTION.—For the purposes of the distribution of funds under this part to

schools that receive funding from the Bureau of Indian Affairs pursuant to—

"(1) section 1130 of the Education Amendments of 1978; and

"(2) the Act of April 16, 1934 (48 Stat. 596, chapter 147),

the Secretary shall, in lieu of meeting the requirements of this section for counting Indian children, use a count of the number of students in such schools certified by the Bureau of Indian Affairs.

**"SEC. 6107. PAYMENTS.**

"(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this part the amount determined under section 6103. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

"(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this part to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this part (or under subpart 1 of the Indian Education Act of 1988) in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

"(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

"(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 6103 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

"(2) FAILURE.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—

"(A) reduce the amount of the grant that would otherwise be made to the agency under this part in the exact proportion of such agency's failure to maintain its fiscal effort at such level; and

"(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

"(3) WAIVER.—(A) The Secretary may waive the requirement of paragraph (1), for not more than one year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

"(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

"(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this part, any amounts that—

"(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this part; or

"(2) otherwise become available for reallocation under this part.

**"PART B—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN**

**"SEC. 6201. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.**

"(a) PURPOSE.—

"(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

"(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this part with—

"(A) other programs funded under this Act; and

"(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institutions of higher education, or a consortium of such institutions.

"(c) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

"(A) innovative programs related to the educational needs of educationally deprived children;

"(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects as such subjects are described in the third National Education Goal described in section 102(3) of the Goals 2000: Educate America Act;

"(C) bilingual and bicultural programs and projects;

"(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;

"(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

"(F) comprehensive guidance, counseling, and testing services;

"(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

"(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

"(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;

"(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education; and

"(K) other services that meet the purpose described in subsection (a)(1).

"(2) PRESERVICE OR INSERVICE TRAINING.—Preservice or inservice training of professional and paraprofessional personnel may be a part of any program assisted under this section.

"(d) GRANT REQUIREMENTS AND APPLICATIONS.—

"(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

"(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

"(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

"(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

"(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has a demonstrated—

"(I) educational merit; and

"(II) the ability to be replicated.

"(2) APPLICATION.—(A) Any eligible entity that desires to receive a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) Each application submitted to the Secretary under subparagraph (A) shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section; and

"(iii) such other assurances and information as the Secretary may reasonably require.

**"SEC. 6202. PROFESSIONAL DEVELOPMENT.**

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

"(1) an institution of higher education, including an Indian institution of higher education;

"(2) a State or local educational agency, in consortium with an institutions of higher education; and

"(3) an Indian tribe or organization, in consortium with an institution of higher education.

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

"(B) For individuals who are being trained to enter any field other than education, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may reasonably require.

"(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to applications describing programs that train Indian individuals.

"(f) SPECIAL RULE.—In making grants under this section, the Secretary—

"(1) shall consider the prior performance of the eligible entity; and

"(2) may not limit eligibility to receive a grant under this section on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant under this section shall be awarded for a program of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

**"SEC. 6203. FELLOWSHIPS FOR INDIAN STUDENTS.**

"(a) FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

"(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

"(A) of not more than 4 academic years; and

"(B) that leads—

"(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, and related fields; or

"(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

"(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

"(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which the holder of a fellowship is pursuing a course of study, such amount as the Secretary determines to be necessary to cover the cost of education provided the fellowship recipient.

"(d) SPECIAL RULES.—

"(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the fellowship.

"(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

"(A) the amount of the fellowship; and

"(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

"(3) PRIORITY.—In awarding fellowships under subsection (a), the Secretary shall give priority to awarding not more than 10 percent of such fellowships to Indian students who are receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

"(A) perform work—

"(i) related to the training for which the individual receives assistance under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated portion of such assistance.

"(2) REPORTING PROCEDURE.—The Secretary shall establish, by regulation, a reporting procedure under which the recipient of training assistance under this section, not later than 12 months after the date of completion of the training and periodically thereafter, shall provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

"(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

**"SEC. 6204. GIFTED AND TALENTED.**

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

"(1) establish two centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

"(2) support demonstration projects described in subsection (c).

"(b) ELIGIBLE ENTITIES.—The Secretary shall make grants to, or enter into contracts, for the activities described in subsection (a), with—

"(1) two tribally controlled community colleges that—

"(A) are eligible for funding under the Tribally Controlled Community College Assistance Act of 1978; and

"(B) are accredited by a State or regional accrediting agency or organization; or

"(2) if the Secretary does not receive applications that the Secretary determines to be approvable from two colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—The grants made, or contracts entered into, by the Secretary under subsection (a) shall be used for—

"(A) the establishment of centers described in subsection (a); and

"(B) carrying out demonstration projects designed to—

"(i) address the special needs of Indian students in elementary and secondary schools who are gifted and talented; and

"(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

"(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project under this subsection.

"(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (a) may include—

"(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

"(i) the emotional and psychosocial needs of such students; and

"(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

"(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines holds a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

"(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

"(ii) mentoring and apprenticeship programs;

"(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted

under such grants, or the dissemination of such evaluations;

"(D) the use of public television in meeting the special educational needs of such gifted and talented children;

"(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

"(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children that are needed to enable such children to benefit from the project.

"(4) APPLICATION.—Each entity desiring a grant under subsection (a) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

"(d) ADDITIONAL GRANTS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (hereafter in this section referred to as 'Bureau schools') for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

"(A) gifted and talented students;

"(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

"(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

"(D) mathematics and science education.

"(2) APPLICATIONS.—Each Bureau school desiring a grant under this subsection shall submit an application to the Secretary in such form and at such time as the Secretary may prescribe.

"(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

"(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

"(5) GRANT PERIOD.—Subject to the availability of appropriations, grants under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

"(6) DISSEMINATION.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

"(7) EVALUATION COSTS.—(A) The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under such subsection.

"(B) If no funds are provided under subsection (b) for—

"(i) the evaluation of activities assisted under paragraph (1);

"(ii) technical assistance and coordination with respect to such activities; or

"(iii) the dissemination of the evaluations referred to in clause (i),

then the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

"(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community of the United States.

**"SEC. 6205. GRANTS FOR EVALUATION AND TECHNICAL ASSISTANCE.**

"(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts with, public agencies, State educational agencies in States in which more than 5,000 Indian children are enrolled in public elementary and secondary schools, Indian tribes, Indian institutions, Indian organizations, and private institutions and organizations, to establish, on a regional basis, information centers that shall—

"(1) evaluate programs that receive assistance under this title and evaluate other Indian education programs in order to—

"(A) determine the effectiveness of the programs in meeting the special educational and culturally related academic needs of Indian children and adults; and

"(B) conduct research to determine the needs described in subparagraph (A);

"(2) provide technical assistance in the form of materials and personnel resources, upon request, to local educational agencies and Indian tribes, Indian organizations, Indian institutions, and committees described in section 6104(c)(4) in evaluating and carrying out activities assisted under this title; and

"(3) disseminate information, upon request, to the entities described in paragraph (1) concerning all Federal education programs that affect the education of Indian children and adults, including information concerning successful models and programs designed to meet the special educational needs of Indian children.

"(b) PERIOD OF GRANT OR CONTRACT.—Each grant or contract under this section may be for a period of not more than 3 years, and may be renewed for an additional 3-year period if the Secretary annually reviews the performance of the grant recipient and determines that satisfactory progress has been made.

"(c) USE OF FUNDS.—The Secretary may award grants and enter into contracts with Indian tribes, institutions, and organizations, and public agencies and institutions for—

"(1) the dissemination, on a national basis, of information concerning education programs, services, and resources available to Indian children and adults, including evaluations of such programs, services, and resources; and

"(2) the evaluation of the effectiveness of federally assisted programs in which Indian children and adults may participate in achieving the purposes of such programs relating to Indian children and adults.

"(d) STATE AGENCY GRANTS AND CONTRACTS.—The Secretary shall award not more than 15 percent of the funds appropriated under subsection (g) for each fiscal year to State educational agencies.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each entity desiring assistance under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) PRIORITY.—In approving applications under this section, the Secretary shall give priority to Indian educational agencies, organizations, and institutions.

"(3) APPROVAL.—The Secretary may approve an application under this section, only if the Secretary determines that the funds made available under this section will be used to supplement the level of funds from State, local, and other Federal sources that would, in the absence of Federal funds provided under this section, be made available by the State or local educational agency for the activities described in this section, and in no case will be used to supplant such funds.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education $8,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

**"SEC. 6206. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.**

"(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

"(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

"(2) develop education codes for schools within the territorial jurisdiction of the tribe;

"(3) provide support services and technical assistance to schools serving children of the tribe; and

"(4) perform child-find screening services for the preschool-aged children of the tribe to—

"(A) ensure placement in appropriate educational facilities; and

"(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

"(b) PERIOD OF GRANT.—Each grant under this section may be awarded for a period of not more than 3 years, except that such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

"(c) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether such objectives are achieved.

"(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

"(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

"(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

"(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education $3,000,000 for each of the fiscal years 1995 through 1999 to carry out this section.

**"PART C—SPECIAL PROGRAMS RELATING TO ADULT EDUCATION FOR INDIANS**

**"SEC. 6301. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.**

"(a) IN GENERAL.—The Secretary shall award grants to State and local educational agencies, and to Indian tribes, institutions, and organizations—

"(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs that are designed to stimulate—

"(A) basic literacy opportunities for all nonliterate Indian adults; and

"(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

"(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

"(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

"(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

"(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant are achieved.

"(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates—

"(A) there has been adequate participation, by the individuals to be served and appropriate tribal communities, in the planning and development of the activities to be assisted; and

"(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

"(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

**"PART D—NATIONAL RESEARCH ACTIVITIES**

**"SEC. 6401. NATIONAL ACTIVITIES.**

"(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 6602(b) for each fiscal year to—

"(1) conduct research related to effective approaches for the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities that are consistent with the purpose of this title.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Assistant Secretary for Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office of Educational Research and Improvement; and

"(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

**"PART E—FEDERAL ADMINISTRATION**

**"SEC. 6501. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.**

"(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the 'Council'), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

"(2) represent different geographic areas of the United States.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this title—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

**"SEC. 6502. PEER REVIEW.**

"The Secretary may use a peer review process to review applications submitted to the Secretary under part B, C, or D.

**"SEC. 6503. PREFERENCE FOR INDIAN APPLICANTS.**

"In making grants under part B, C, or D, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.

**"SEC. 6504. MINIMUM GRANT CRITERIA.**

"The Secretary may not approve an application for a grant under part B or C unless the application is for a grant that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and

"(2) based on relevant research findings.

**"PART F—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS**

**"SEC. 6601. DEFINITIONS.**

"As used in this title:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained the age of 16 years; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) ADULT EDUCATION.—The term 'adult education' has the meaning given such term in section 312(2) of the Adult Education Act.

"(3) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(4) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native; or

"(E) a member of an organized Indian group that received a grant under this title prior to the date of enactment of the Act entitled the 'Improving America's Schools Act of 1994'.

**"SEC. 6602. AUTHORIZATIONS OF APPROPRIATIONS.**

"(a) PART A.—For the purpose of carrying out part A of this title, there are authorized to be appropriated to the Department of Education $61,300,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) PARTS B THROUGH D.—For the purpose of carrying out parts B, C, and D of this title, there are authorized to be appropriated to the Department of Education $31,925,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(c) PART E.—For the purpose of carrying out part E of this title, there are authorized to be appropriated to the Department of Education $3,775,000 for fiscal year 1995 and such sums as may be necessary for each of the 4 succeeding fiscal years.

**"SEC. 6603. CROSS REFERENCES.**

"The Tribally Controlled Schools Act of 1988 is amended—

"(1) in subparagraph (C) of section 5204(a)(3) (20 U.S.C. 2503(a)(3)(C)), by striking "chapter 1 of"; and

"(2) in section 5205 (20 U.S.C. 2504)—

"(A) in subsection (a)(3), by striking "chapter 1 of"; and

"(B) in subsection (b)—

"(i) in paragraph (2), by striking "chapter 1 of"; and

"(ii) in paragraph (3)(A), by striking "chapter 1 of".

On page 916, line 2, insert "qualified" after "hire".

On page 917, line 22, strike "and nature" and insert ", nature, and past academic results".

On page 924, line 12, strike "and" after the semicolon.

On page 924, line 15, strike the period and insert "; and".

On page 924, between lines 15 and 16, insert the following:

"(3) develop, maintain, and disseminate, through comprehensive regional centers described in section 2303(a) if appropriate, a listing by geographical area of education professionals, parents, teachers, administrators, community members and others who are native speakers of languages other than English for use as a resource by local educational agencies and schools in the development and implementation of bilingual education programs.

On page 948, line 4, strike "and".

On page 948, line 8, strike the period and insert "; and".

On page 948, between lines 8 and 9, insert the following:

"(7) there is a strong documented need for cash flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

On page 949, line 8, strike "or" and insert "to eligible applicants or subgrants awarded".

On page 949, line 16, insert "shall not award more than one grant" after "Secretary".

On page 949, line 17, strike "grant" and insert "subgrant".

On page 949, line 19, strike "USE OF GRANTS" and insert "USES OF FUNDS".

On page 949, line 22, strike "grants" and insert "subgrants".

On page 950, line 2, strike "a grant" and insert "funds".

On page 950, line 3, strike "grant".

On page 950, between lines 5 and 6, insert the following:

"(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this part may use the grant or subgrant funds only for—

"(A) post-award planning and design of the educational program, which may include—

"(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

"(ii) professional development of teachers and other staff who will work in the charter school; and

"(B) initial implementation of the charter school, which may include—

"(i) informing the community about the school;

"(ii) acquiring necessary equipment and educational materials and supplies;

"(iii) acquiring or developing curriculum materials;

"(iv) minor remodeling or renovation of facilities needed to meet State or local health or safety laws or regulations; and

"(v) other initial operational costs that cannot be met from State or local sources.

On page 950, line 6, strike "(3)" and insert "(4)".

On page 950, line 12, strike "(4)" and insert "(5)".

On page 950, line 17, strike "grant" and insert "subgrant".

On page 951, line 7, insert "OF A STATE EDUCATIONAL AGENCY APPLICATION" after "CONTENTS".

On page 951, line 11, strike "shall" and insert "will".

On page 951, lines 15 and 16, strike "and the availability of grants for the establishment of such schools".

On page 951, strike lines 19 through 25, and insert the following:

"(A) will grant, or will obtain, waivers of State statutory or regulatory requirements provided for in the State's charter schools law;

On page 952, line 1, strike "eligible applicant" and insert "subgrantee".

On page 952, line 3, strike "(d)" and insert "(e)".

On page 952, line 6, strike "receiving a grant" and insert "desiring to receive a subgrant".

On page 952, line 12, insert "challenging" after "meet".

On page 952, line 23, strike "method" and insert "methods".

On page 953, line 11, insert a comma after "expired".

On page 953, line 15, strike "or State".

On page 953, line 19, strike "grant funds" and insert "subgrant funds or grant funds, as appropriate,".

On page 953, line 21, strike "grant" and insert "such".

On page 954, strike lines 20 through 25, and insert the following:

"(1) IN GENERAL.—Each eligible applicant desiring a grant pursuant to section 8202(e)(1) or 8202(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

"(d) CONTENTS OF ELIGIBLE AGENCY APPLICATION.—Each application submitted pursuant to subsection (c) shall

On page 955, strike all beginning with line 7, through page 956, line 7, and insert the following:

"(a) SELECTION CRITERIA FOR STATE EDUCATIONAL AGENCIES.—The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 8203, after taking into consideration such factors as—

"(1) the contribution that the charter schools grant program will make to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

"(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

"(3) the ambitiousness of the objectives for the State charter school grant program;

"(4) the quality of the process for assessing achievement of those objectives; and

"(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students.

"(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 8203, after taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

"(3) the extent of community support for the application;

"(4) the ambitiousness of the objectives for the charter school;

"(5) the quality of the process for assessing achievement of those objectives; and

"(6) the likelihood that the charter school will meet those objectives and improve educational results for students.

On page 956, line 8, strike "(b)" and insert "(c)".

On page 956, line 10, strike "grants" and insert "assistance".

On page 956, line 12, strike "(c)" and insert "(d)".

On page 956, line 14, strike ", shall award grants" and insert "shall award subgrants".

On page 956, line 15, insert "and subgrants" after "grants".

On page 956, line 22, strike "(d)" and insert "(e)".

On page 957, beginning with line 7, strike all through page 958, line 5.

On page 958, line 6, strike "8206" and insert "8205".

On page 958, line 11, strike "8204" and insert "8204(c)".

On page 959, line 15, insert ", and is operated under public supervision and direction" after "school".

On page 960, line 3, strike "Act," and insert "Act of 1975,".

On page 961, line 8, strike "8208" and insert "8207".

On page 977, line 23, strike "DEFINITIONS;".

On page 977, beginning with line 24, strike all through "CONSTRUCTION.—" on page 978, line 6.

On page 981, line 19, strike "(5)" and insert "(7)".

On page 982, line 6, strike "(5)" and insert "(7)".

On page 1035, strike lines 14 through 23.

On page 1036, line 1, strike "9002" and insert "9001".

On page 1036, line 4, insert "because certain activities of the Federal Government place a financial burden on the local educational agencies serving areas where such activities are carried out" after "children,".

On page 1036, line 5, strike "title" and insert "part".

On page 1036, line 22, strike "Indian" and insert "Federal".

On page 1036, line 23, strike "9003" and insert "9002".

On page 1038, line 23, insert "during the previous fiscal year" after "received".

On page 1038, lines 24 and 25, strike "during the previous fiscal year".

On page 1039, line 5, strike all beginning with "In" through line 10.

On page 1039, line 15, strike "9004" and insert "9003".

On page 1039, line 17, strike "9004" and insert "9003".

On page 1042, line 11, strike "9004" and insert "9003".

On page 1043, line 5, insert "and is a foreign military officer" after "government".

On page 1043, line 16, insert "and is a foreign military officer" after "government".

On page 1045, line 6, strike "9015" and insert "9014".

On page 1047, line 6, strike "9015" and insert "9014".

On page 1048, line 13, strike "academic" and insert "fiscal".

On page 1049, line 14, strike "the" and insert "not later than the first".

On page 1049, line 18, strike "9015" and insert "9014".

On page 1049, line 23, insert "(A)(ii)," after "subparagraphs".

On page 1050, line 17, strike "90" and insert "95".

On page 1050, line 18, insert "for the preceding fiscal year" after "received".

On page 1050, lines 21 and 22, strike "for fiscal year 1994".

On page 1051, line 4, insert ", except that in the second such year the total amount the Secretary shall pay a local educational agency under subsection (b) shall not be less than 85 percent of the amount such agency received under such subsection in the preceding fiscal year" after "years".

On page 1051, line 19, strike "paragraph (1)" and insert "paragraphs (1) and (2)".

On page 1051, line 24, strike "paragraph (1)" and insert "paragraphs (1) and (2)".

On page 1052, line 6, strike "9015" and insert "9014".

On page 1052, line 16, strike "40" and insert "50".

On page 1053, lines 7 and 8, strike "or includes Federal property under exclusive Federal jurisdiction".

On page 1054, strike lines 8 through 14.

On page 1059, beginning with line 6, strike all through page 1060, line 9, and insert the following:

"(g) ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH SEVERE DISABILITIES.—

"(1) IN GENERAL.—If any local educational agency receives Federal funds from sources other than this part to carry out the purposes of this part for any fiscal year due to the enrollment of children described under subsection (a), then the Secretary shall consider such funds as a payment to such agency under this part for such fiscal year.

"(2) SPECIAL RULE.—Notwithstanding any other provision of law, if funds appropriated pursuant to section 9014(b) for payments under subsection (b) to such agency for a fiscal year which when added to the funds described in paragraph (1) received by such agency for such fiscal year exceed the maximum amount described under subsection (b)(1)(C), then the Secretary shall make available from the funds appropriated under section 9014(b) for such fiscal year such excess amounts to any local educational agency serving two or more children described under subparagraph (B) or (D) of section 9003(a)(1) who have a severe disability and a parent serving in the uniformed services (as defined by section 101 of title 37, United States Code) and assigned to a particular permanent duty station for compassionate reasons (compassionate post assignment) for the total costs associated with such children who are provided an educational program provided outside the schools of such agency.

"(3) REMAINING FUNDS.—If funds remain after payments are made under paragraph (2) for any fiscal year, then such remaining funds shall be made available for expenditures under subsection (d) in such fiscal year on a pro rata basis consistent with the requirements of such subsection.

"(4) RATABLE REDUCTIONS.—If amounts available to carry out paragraph (2) for any fiscal year are insufficient to pay in full the total payment that all eligible local educational agencies are eligible to receive under such paragraph for such year, then the Secretary shall ratably reduce such payments to such agencies for such year.

On page 1060, between lines 14 and 15, insert the following:

"(i) MAINTENANCE OF EFFORT.—A local educational agency may receive funds under this part for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

On page 1060, line 15, strike "9005" and insert "9004".

On page 1060, line 19, strike "9004" and insert "9003".

On page 1061, line 17, strike "9004" and insert "9003".

On page 1061, line 22, strike "9004" and insert "9003".

On page 1065, line 12, strike "9004" and insert "9003".

On page 1066, line 18, strike "9006" and insert "9005".

On page 1066, line 19, strike "9003" and insert "9002".

On page 1066, line 19, strike "9004" and insert "9003".

On page 1066, line 21, strike "9003" and insert "9002".

On page 1066, line 21, strike "9004" and insert "9003".

On page 1067, line 8, strike "9005" and insert "9004".

On page 1067, line 25, strike "9004" and insert "9003".

On page 1068, line 21, strike "9007" and insert "9006".

On page 1069, line 12, strike "February 1" and insert "May 15".

On page 1070, line 13, strike "9015" and insert "9014".

On page 1071, line 22, strike "9008" and insert "9007".

On page 1071, line 24, strike "9015" and insert "9014".

On page 1072, line 4, strike "9004" and insert "9003".

On page 1072, line 6, strike "9004" and insert "9003".

On page 1072, line 11, strike "9004" and insert "9003".

On page 1072, line 12, strike "9007" and insert "9006".

On page 1072, line 17, strike "9015" and insert "9014".

On page 1072, line 19, strike "9004" and insert "9003".

On page 1072, line 22, strike "9009" and insert "9008".

On page 1073, line 7, strike "9014" and insert "9013".

On page 1073, line 8, strike "9009" and insert "9008".

On page 1073, line 10, strike "9015" and insert "9014".

On page 1074, line 10, strike "9010" and insert "9009".

On page 1076, line 2, strike "9004" each place such term appears and insert "9003".

On page 1076, line 3, strike "9004" and insert "9003".

On page 1076, line 6, strike "9004" and insert "9003".

On page 1076, line 7, strike "9004" and insert "9003".

On page 1079, line 11, strike "9011" and insert "9010".

On page 1079, line 22, strike "9012" and insert "9011".

On page 1081, line 10, strike "9013" and insert "9012".

On page 1082, line 1, strike "9014" and insert "9013".

On page 1091, line 3, strike "9015" and insert "9014".

On page 1091, line 6, strike "9003" and insert "9002".

On page 1091, line 12, strike "9004" and insert "9003".

On page 1091, line 16, strike "9004" and insert "9003".

On page 1091, line 19, strike "9004" and insert "9003".

On page 1091, line 24, strike "9007" and insert "9006".

On page 1092, line 4, strike "9008" and insert "9007".

On page 1092, line 8, strike "9009" and insert "9008".

On page 1097, strike lines 6 through 14, and insert the following:

basis, to local educational agencies that—

"(A) have enrolled during the fiscal year for which the determination is made—

"(i) at least 1,000 immigrant children and youth; or

"(ii) immigrant children and youth in numbers that represent at least 10 percent of the local educational agency's total student enrollment; or

"(B) serve small, rural and isolated school districts that have little or no experience with serving immigrant children and youth.

On page 1127, between lines 11 and 12, insert the following:

"(3) CHARTER SCHOOL.—The term 'charter school' means a public school operated under public supervision and direction, that is nonsectarian, provides elementary or secondary education, or both, does not change tuition, and complies with relevant Federal education laws.

On page 1127, line 12, strike "(3)" and insert "(4)".

On page 1127, line 15, strike "(4)" and insert "(5)".

On page 1127, line 23, strike "(5)" and insert "(6)".

On page 1128, line 3, strike "(6)" and insert "(7)".

On page 1128, line 7, strike "(7)" and insert "(8)".

On page 1128, line 18, strike "(8)" and insert "(9)".

On page 1129, line 7, strike "(9)" and insert "(10)".

On page 1129, line 9, strike "(10)" and insert "(11)".

On page 1129, line 14, strike "(11)" and insert "(12)".

On page 1129, line 18, strike "(12)" and insert "(13)".

On page 1130, between lines 2 and 3, insert the following:

"(14) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

On page 1130, line 3, strike "(13)" and insert "(15)".

On page 1130, line 7, strike "(14)" and insert "(16)".

On page 1130, line 13, strike "(15)" and insert "(17)".

On page 1131, line 12, strike "(16)" and insert "(18)".

On page 1131, line 16, strike "(17)" and insert "(19)".

On page 1131, line 21, strike "(18)" and insert "(20)".

On page 1131, line 24, strike "(19)" and insert "(21)".

On page 1132, line 3, strike "(20)" and insert "(22)".

On page 1132, line 17, strike "(21)" and insert "(23)".

On page 1132, line 22, strike "(22)" and insert "(24)".

On page 1133, line 1, strike "(23)" and insert "(25)".

On page 1133, line 4, strike "(24)" and insert "(26)".

On page 1133, line 8, strike "(25)" and insert "(27)".

On page 1134, line 5, strike "and" and insert a comma.

On page 1134, line 7, insert ", and administrative funds under section 308(c) of the Goals 2000: Educate America Act" before the period.

On page 1135, between lines 19 and 20, insert the following:

"(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop State content standards, State student performance standards, or assessments, a State educational agency may consolidate the amounts made available to such agency for such purposes under title I of this Act and title III of the Goals 2000: Educate America Act.

On page 1150, line 21, strike "and".

On page 1150, between lines 23 and 24, insert the following:

"(C) provides notice and information to the public regarding the waiver proposal in the manner that such agency customarily provides similar notices and information to the public; and

On page 1151, strike lines 1 through 4 and insert the following:

Act from a State educational agency—

"(A) such request has been reviewed by the State educational agency and is accompanied by the comments, if any, of such State educational agency; and

"(B) notice and information regarding the waiver proposal has been provided to the public by the agency, institution, or organization requesting the waiver in the manner that such agency, institution, or organization customarily provides similar notices and information to the public.

On page 1152, between lines 12 and 13, insert the following:

"(e) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy, and civil rights organizations, other interested parties, and the public.

On page 1169, line 5, strike "subparagraph (D)" and insert "clauses (i) and (ii)".

On page 1169, line 19, strike "subparagraph (D)" and insert "clauses (i) and (ii)".

On page 1170, lines 16 and 17, strike "subparagraph (D)" and insert "clauses (i) and (ii)".

On page 1170, line 22, strike the period and insert "; and".

On page 1170, between lines 22 and 23, insert the following:

"(C) a study of the waivers granted under section 10401, which study shall include—

"(i) data on the total number of waiver requests that were granted and the total number of such requests that were denied, disaggregated by the statutory or regulatory requirement for which the waivers were requested; and

"(ii) an analysis, based on an appropriate sample of agencies, tribes, organizations, and institutions receiving waivers, of the effectiveness of such waivers in improving student performance outcomes.

On page 1211, strike lines 4 through 6, and insert the following:

"(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—In carrying out the Commissioner's duties under this part, the Commissioner may enter into grants, contracts, and cooperative agreements.

"(2) SPECIAL RULE.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements awarded competitively under this section may be awarded for a period of not more than 5 years, and may be renewed at the discretion of the Commissioner for an additional period of not more than 5 years.

On page 1220, lines 5 and 6, strike "for the fiscal year for which such funds are received".

On page 1226, strike lines 10 through 20.

On page 1238, line 3, strike "or".

On page 1238, line 7, strike the period and insert "; or".

On page 1238, between lines 7 and 8, insert the following:

"(iv) has at least 7,500 students in average daily attendance at the schools of such agency and in which at least 50 percent of such students are from families with an income below the poverty level determined by using criteria of poverty established by the Bureau of the Census.

On page 1296, line 25, strike the end quotation marks.

On page 1296, after line 25, insert the following:

**"TITLE XVII—GUN-FREE SCHOOLS**

**"SEC. 1501. GUN-FREE REQUIREMENTS.**

"(a) SHORT TITLE.—This section may be cited as the "Gun-Free Schools Act of 1994".

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), 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 such agency, except that such policy may allow the chief administering officer of such agency to modify such expulsion requirement for a student on a case-by-case basis.

"(2) CONSTRUCTION.—Nothing in this title shall be construed to prevent a local educational agency that has expelled a student from such student's regular school setting from providing educational services to such student in an alternative setting, as provided by State law, policy, or otherwise determined by such local educational agency.

"(3) SPECIAL RULE.—(A) Any local educational agency serving a State that has enacted a State law prior to the date of enactment of the Improving America's Schools Act of 1994 which is in conflict with the not less than 1 year expulsion requirement described in paragraph (1) shall have the period of time described in subparagraph (B) to comply with such requirement.

"(B) The period of time shall be the period beginning on the date of enactment of the Improving America's Schools Act and ending 1 year after such date.

"(4) 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.

"(c) 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 (b); and

"(2) a description of the circumstances surrounding any expulsions imposed under the policy required by subsection (b), including—

"(A) the name of the school concerned;

"(B) the number of students expelled from such school; and

"(C) the types of weapons concerned.".

On page 1313, between lines 5 and 6, insert the following:

**SEC. 247A. PRIVACY RIGHTS.**

Section 438 of the Act (20 U.S.C. 1232g) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(ii) by inserting after subparagraph (A) the following new subparagraph:

"(B) No funds under any applicable program shall be made available to any State educational agency (whether or not that agency is an educational agency or institution under this section) that has a policy of denying, or effectively prevents, the parents of students the right to inspect and review the education records maintained by the State educational agency on their children who are or have been in attendance at any school of an educational agency or institution that is subject to the provisions of this section.";

(iii) in clause (iii) of subparagraph (C) (as redesignated by clause (i)), by striking "(C)" and inserting "(D)"; and

(iv) in subparagraph (D) (as redesignated by clause (i)), by striking "(B)" and inserting "(C)"; and

(B) in paragraph (2), by striking "or other rights" and inserting "rights";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ", including the educational interests of the child for whom consent would otherwise be required" before the semicolon;

(ii) in subparagraph (H), by striking "and" after the semicolon;

(iii) in subparagraph (I), by striking the period and inserting "; and"; and

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

"(J)(i) the entity or persons designated in a Federal grand jury subpoena, in which case the court shall order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished to the grand jury in response to the subpoena; and

"(ii) the entity or persons designated in any other subpoena issued for a law enforcement purpose, in which case the court or other issuing agency may order, for good cause shown, the educational agency or institution (and any officer, director, employee, agent, or attorney for such agency or institution) on which the subpoena is served, to not disclose to any person the existence or contents of the subpoena or any information furnished in response to the subpoena.";

(B) in paragraph (2)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(ii) in clause (ii) (as redesignated by clause (i)), by inserting "except as provided in paragraph (1)(J)," before "such information"; and

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

"(B) If a third party outside the educational agency or institution permits access to information in violation of subparagraph (A)(i), or fails to destroy information in violation of paragraph (1)(F), the educational agency or institution shall be prohibited from permitting access to information from education records to that third party for a period of at least 5 years.";

(3) in subsection (c), by striking "The Secretary shall adopt appropriate regulations to" and inserting "Not later than 240 days after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall adopt appropriate regulations, or identify existing regulations, which";

(4) in subsection (e), by inserting "effectively" before "informs"; and

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

"(h) Nothing in this section shall prohibit an educational agency or institution from—

"(1) including appropriate information in the education record of any student whose presence at school is determined by school officials to pose a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

"(2) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.".

On page 1326, line 11, insert ", for fiscal years 1995 and 1996, and may use such funds for fiscal years 1997, 1998 and 1999," after "funds".

On page 1357, between lines 16 and 17, insert the following:

(d) STATE PLANNING FOR IMPROVING STUDENT ACHIEVEMENT THROUGH INTEGRATION OF TECHNOLOGY INTO THE CURRICULUM.—Subsection (b) of section 317 of the Goals 2000: Educate America Act (20 U.S.C. 5897(b)) is amended by adding at the end the following new paragraph:

"(3) OUTLYING AREAS.—(A) From the amount appropriated pursuant to the authority of subsection (f) for fiscal year 1994, the Secretary shall reserve a total of 1 percent to provide assistance under this section to the outlying areas.

"(B) The funds reserved under subparagraph (A) shall be distributed among the outlying areas by the Secretary according to the relative need of such areas for assistance under this section.".

On page 1357, after line 25, insert the following:

**SEC. 344. STAR SCHOOLS PROGRAM ASSISTANCE ACT.**

The Star Schools Program Assistance Act (20 U.S.C. 4081 et seq.) is repealed.

**SEC. 345. FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING ACT.**

The Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4801) is repealed.

**SEC. 346. TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988.**

(a) IN GENERAL.—Title II of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2231 et seq.) is amended by striking part E.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994.

**SEC. 347. OFFICE OF INDIAN EDUCATION.**

Title II of the Department of Education Organization Act (20 U.S.C. 3411 et seq.) (as amended by section 271) is further amended by adding at the end the following new section:

"OFFICE OF INDIAN EDUCATION

"SEC. 217. (a) There shall be in the Department an Office of Indian Education (hereafter in this section referred to as the 'Office').

"(b)(1) The Office shall be headed by a Director of Indian Education (hereafter in this section referred to as the 'Director') who shall—

"(A) be appointed by the Secretary; and

"(B) report directly to the Assistant Secretary for Elementary and Secondary Education.

"(2) The Director shall—

"(A) be responsible for administering title VI of the Elementary and Secondary Education Act of 1965;

"(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office;

"(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

"(D) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to the education of Indian persons.

"(3) The Director shall be a career appointee in the Senior Executive Service, and shall be paid at a level determined by the Secretary.

"(c)(1) The Secretary shall give preference to Indian individuals with respect to all personnel actions of the Office.

"(2) Such preference shall be implemented in the same fashion as the preference given to any Indian under section 2609 of the Revised Statutes (25 U.S.C. 45).".

**SEC. 348. INDIAN EDUCATION ACT OF 1988.**

The Indian Education Act of 1988 (25 U.S.C. 2601 note) is repealed.

**PART E—LIBRARY SERVICES AND CONSTRUCTION REAUTHORIZATION**

**SEC. 351. REFERENCES.**

Except as otherwise specifically provided, whenever in this part an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Library Services and Construction Act (20 U.S.C. 351 et seq.).

**SEC. 352. AUTHORIZATIONS.**

(a) IN GENERAL.—Subsection (a) of section 4 (20 U.S.C. 351b(a)) is amended—

(1) by striking "for fiscal year 1990 and such sums as may be necessary for each of the 4 succeeding fiscal years" each place the phrase appears and inserting "for fiscal year 1995"; and

(2) in the matter following paragraph (7), by striking "each of the fiscal years 1990, 1991, 1992, 1993, and 1994" and inserting "fiscal year 1995".

(b) FAMILY LEARNING CENTERS.—Section 806 (20 U.S.C. 385e) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 806. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.".

(c) LIBRARY LITERACY CENTERS.—Section 818 (20 U.S.C. 386g) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 818. There are authorized to be appropriated such sums as may be necessary for fiscal year 1995 to carry out this part.".

**PART F—BUREAU OF INDIAN AFFAIRS**

**SEC. 361. GOALS 2000: EDUCATE AMERICA ACT.**

(a) ASSISTANCE TO THE SECRETARY OF THE INTERIOR.—Section 315 of the Goals 2000: Educate America Act is amended—

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

"(c) BUREAU OF INDIAN AFFAIRS COST ANALYSIS AND STUDIES.—

"(1) IN GENERAL.—The Secretary of the Interior shall reserve from the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds an amount not to exceed $500,000 for each such year to provide, through a contract executed, after open solicitation, with an organization or institution having extensive experience in school finance, for an analysis of—

"(A) the costs associated with meeting the academic, home-living, and residential standards of the Bureau for each Bureau funded school and annual projections of such costs; and

"(B) the feasibility and desirability of changing the method of financing for Bureau funded schools from the weighted student unit formula method in effect on the date of enactment of this Act to a school-based budget system or other alternative system of financial support.

"(2) COST ANALYSIS PURPOSE.—The purpose of the cost analysis provided for in paragraph (1)(A) shall be to provide the Bureau and the panel described in subsection (b)(4) with baseline data regarding the current state of operations funded by the Bureau and to provide a framework for the implementation of opportunity-to-learn standards or strategies. Such analysis shall evaluate the costs of providing a program in each school operated or supported by the Bureau for the next succeeding academic year and shall be based on—

"(A) the standards either published in the Federal Register and effective for schools

funded by the Bureau on the date of enactment of this Act, or the State or regional standards in effect on such date for a Bureau-funded school;

"(B) the best projections of student counts and demographics as provided by the Bureau and as independently reviewed by the organization or institution selected by the Secretary to perform the analysis described in this section; and

"(C) the pay and benefit schedules and other personnel requirements for each school operated by the Bureau, as such pay and benefit schedules and requirements existed on the date of enactment of this Act.

"(3) FEASIBILITY STUDY PURPOSE.—(A) The purpose of the feasibility analysis provided for in paragraph (1)(B) shall be to determine whether it is feasible and desirable for the Bureau to replace or modify the weighted student unit formula system in effect on the date of enactment of this Act.

"(B) For the purposes of the feasibility analysis described in paragraph (1)(B), the term 'school-based budget system' means a system based upon an initial determination, at each school site, of the number of students who shall be served at the site, the needs of those students, the standards which will best meet those needs (including any standards or conditions reflecting local community input and such community's program), the personnel profile necessary to establish such program and the cost (determined on an actual basis) of funding such a program. Such a system shall include procedures to aggregate the determinations for each school site to determine the amount needed to fund all Bureau funded schools, to prepare a budget submission based upon such aggregate, and to provide for a mechanism for distributing such sums as may be appropriated based upon the determination at each school site.

"(4) RESULTS REPORT.—The contractor selected shall be required to report the results of analyses provided for in this section, in aggregate and school-specific form to the chairpersons and ranking minority members of the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives and the Committee on the Indian Affairs and the Committee on Appropriations of the Senate, and to the Secretary of the Interior, not later than six months after the date of enactment of the Improving America's Schools Act of 1994. The contractor shall also be required to provide an estimate of the costs of meeting the academic and residential standards of the Bureau for each Bureau funded school for each of the three succeeding forward-funded fiscal years following the date of submission of such report. The contractor shall provide an estimate of such costs to such persons and members not later than January 1 of each succeeding fiscal year."; and

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

"(e) GRANTS.—The Secretary of the Interior may use not more than one percent of the funds received pursuant to section 304(a)(1)(B) in the first and second fiscal year for which the Secretary of the Interior receives such funds for the purpose of providing grants, if requested by Bureau funded school boards, to enable such school boards to carry out activities of reform planning as such activities are described for States in section 308(b)(2)(J), or to evaluate the feasibility of becoming a contract school pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or a grant school pursuant to the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

"(f) STUDY.—In cooperation with the panel established in subsection (b)(4), the Secretary of the Interior shall conduct a study to evaluate the feasibility of contracting with a private management firm for the operation of one or more Bureau operated schools to facilitate the achievement of the National Education Goals and the efficient use of funds in the education of Indian children, and to report to the persons identified in subsection (c)(4) and to the panel described in subsection (b)(4) not later than 12 months after the date of enactment of the Improving America's Schools Act of 1994.".

(b) SYSTEMIC TECHNOLOGY PLANNING.—Subsection (b) of section 317 of the Goals 2000: Educate America Act is amended by adding at the end the following new paragraph:

"(3) SECRETARY OF THE INTERIOR.—From the amount appropriated pursuant to the authority of subsection (f) in each fiscal year, the Secretary shall reserve $75,000 for the Secretary of the Interior to enable the Secretary of the Interior to conduct, directly or through a contract, systemic technology planning for Bureau funded schools.".

**SEC. 362. TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.**

(a) NEW CONSTRUCTION.—The second sentence of paragraph (4) of section 5205(b) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)(4)) is amended by striking "were received." and inserting "were received, except that a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least one-fourth of the total cost of such new construction.".

(b) COMPOSITION OF GRANTS.—Subsection (b) of section 5205 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2504(b)) is further amended by adding at the end the following new paragraph:

"(5) If the Secretary fails to make a determination within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial of or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e).".

(c) PAYMENTS.—Subsection (a) of section 5208 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507(a)) is amended to read as follows:

"(a) PAYMENTS.—

"(1) Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which—

"(A) the first payment shall be made not later than July 1 of each year in an amount equal to one-half of the amount which the grantee was entitled to receive during the preceding academic year; and

"(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

"(2) For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

"(4) The provisions of the Prompt Payment Act (31 U.S.C. 3901 et seq.) shall apply to the payments required to be made by paragraphs (1), (2), and (3).

"(5) Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.".

(d) APPLICABILITY.—Subsection (a) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(a)) is amended to read as follows:

"(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—All provisions of section 5, 6, 7, 104, 105(f), 106(f), 109, and 111 of the Indian Self-Determination and Education Assistance Act, except those provisions relating to indirect costs and length of contract, shall apply to grants provided under this part.".

(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Subsection (e) of section 5209 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2508(e)) is amended—

(1) by striking "the amount of a grant under section 5205 (and the amount of any funds referred to in that section), and payments to be made under section 5208 of this Act," and inserting "a grant authorized to be made pursuant to this part or any amendment to such grant,";

(2) by striking "the amount of, or payment of, the administrative grant" and inserting "an administrative cost grant"; and

(3) by adding at the end the following new sentence: "The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.".

**SEC. 363. EDUCATION AMENDMENTS OF 1978.**

(a) BUREAU OF INDIAN AFFAIRS.—Subsections (a) through (f) of section 1121 of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) are amended to read as follows:

"(a)(1) The purpose of the standards developed under this section shall be to afford Indian students being served by a Bureau funded school with the same opportunities as all other students to achieve the high goals embodied in the Goals 2000: Educate America Act. Consistent with the provisions of this section and section 1131, the Secretary shall take such actions as are necessary to coordinate standards developed and implemented under this section with those in the State plans developed and implemented pursuant to the Goals 2000: Educate America Act for the States in which each Bureau funded school operates. In developing and reviewing such standards and such coordination, the Secretary shall utilize the findings and recommendations of the panel established in section 315(b)(4) of the Goals 2000: Educate America Act.

"(2) The Secretary shall take immediate steps to encourage school boards of Bureau funded schools to engage their communities in adopting declarations of purposes of education in their communities, analyzing the implications of such purposes for their schools, and determining how such purposes may be made to motivate students and faculties and otherwise animate their schools

by May 1, 1995. Such declarations shall represent the aspirations of a community for the kinds of persons such community wants its children to increasingly become, and shall include such purposes as assuring that all learners are becoming accomplished in ways important to themselves and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share.

"(b) Within 18 months of the publication of the voluntary national content standards described in section 213(a) of the Goals 2000: Educate America Act, the Secretary, in consultation with the Secretary of Education and Indian organizations and tribes, shall carry out or cause to be carried out by contract with an Indian organization a review of the standards in effect on the date of enactment of the Improving America's Schools Act of 1994 for the basic education of Indian children attending Bureau funded schools. Such review shall take into account the voluntary national content standards and other factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

"(c)(1) The Secretary shall revise the minimum academic standards published in the Federal Register on September 9, 1985 (50 Fed. Reg. 174) for the basic education of Indian children based upon the review conducted under subsection (b). The Secretary shall publish such proposed standards in the Federal Register for the purpose of receiving comments from the tribes and other interested parties. The Secretary shall establish final standards, distribute such final standards to all the tribes and publish such final standards in the Federal Register. The Secretary shall revise such final standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

"(2) The standards described in paragraph (1) shall apply to Bureau schools, and subject to subsection (f), to contract and grant schools, and may also serve as a model for educational programs for Indian children in public schools. In establishing and revising such standards, the Secretary shall take into account the special needs of Indian students and the support and reinforcement of the specific cultural heritage of each tribe.

"(d) The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school shall be in compliance with the minimum standards required for accreditation of schools in the State where the school is located.

"(e) A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsection (c), where such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, within 60 days thereafter, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribe's children. Such revised standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and unreviewable.

"(f) The Secretary, through contracting and grant-making procedures, shall assist school boards of contract and grant schools in the implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented. At the request of a contract or grant school board, the Secretary shall provide alternative or modified standards for the standards established under subsections (c) and (d) to take into account the needs of the Indian children and the contract or grant school.".

(b) COUNSELORS FOR BOARDING SCHOOLS AND DORMITORIES.—Subsection (a) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(a)) is amended by adding at the end the following: "Prior to January 1, 1996, the Secretary shall review the formula established under this section and shall take such steps as may be necessary to increase the availability of counseling services for students in off-reservation boarding schools and other Bureau funded residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1121 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling services.".

(c) SCHOOL BOARD TRAINING.—Subparagraph (A) of section 1128(c)(2) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(2)(A)) is amended by striking "fiscal year 1986" and inserting "fiscal year 1992, except that the contracts for distribution of such funds shall require that such funds be distributed by the recipient organizations in a manner that assures the same pro rata share is made available for training for each school board in the system.".

(d) FORMULA ADJUSTMENT.—Subsection (c) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(c)) is further amended by adding at the end thereof the following new paragraph:

"(4)(A) The Secretary shall adjust the formula established under subsection (a) to use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a year-long credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

"(B) The adjustment required under subparagraph (A) shall be used for such school after—

"(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year following the school year for which the certification is made; and

"(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.".

(e) GRANT SCHOOLS.—Paragraph (3) of section 1128(g) of the Education Amendments of 1978 (25 U.S.C. 2008(g)(3)) is amended by inserting "or grant school" after "contract school" each time such term appears.

(f) AVAILABILITY.—Subsection (h) of section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008(h)) is amended by inserting "of a Bureau school" after "board".

(g) SPECIAL RULE.—Section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008) is amended by adding at the end the following new subsection:

"(i) Beginning with academic year 1994-1995, tuition for the out-of-State students boarding at the Richfield Dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds at a rate not to exceed the amount per weighted student unit for that year for the instruction of such students. Such payment shall be in lieu of payments that might otherwise be paid to Bureau funded or public schools on their reservations. No additional administrative cost funds will be added to the grant.".

(h) UNIFORM DIRECT FUNDING AND SUPPORT.—Subsection (a) of section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009(a)) is amended—

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

"(1) Within six months after the date of enactment of the Improving America's Schools Act of 1994, the Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section 1128. All amounts appropriated for distribution under this section shall be made available as provided in paragraph (2).";

(2) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2)(A) For the purpose of affording adequate notice of funding available pursuant to the allotments made by section 1128, amounts appropriated in an appropriation Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such funds are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

"(i) publish, on July 1 of the fiscal year for which the funds are appropriated, the allotments to be made under section 1128 to each affected school of 85 percent of such appropriation; and

"(ii) publish, not later than October 30 of such fiscal year, the allotments to be made under section 1128 of the remaining 15 percent of such appropriation, adjusted to reflect actual student attendance.";

(3) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(4) in paragraph (3) (as redesignated by paragraph (3)) by striking "$25,000" and inserting "$35,000".

(i) STUDENT PROJECTS AND MATCHING FUNDS.—Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended by adding at the end the following new subsections:

"(g) Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

"(h) Notwithstanding any other provision of law, funds received by a Bureau funded

school under this title shall not be considered Federal funds for purposes of meeting a matching funds requirement in any Federal program.".

**SEC. 364. STAFF OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT.**

Subsection (f) of section 1509 of the Higher Education Amendments of 1986 (20 U.S.C. 4416(f)) is amended to read as follows:

"(f) APPLICABILITY.—

"(1) This section shall apply to any individual appointed after October 17, 1986, for employment in the Institute. Except as provided in subsection (d) and (g), the enactment of this title shall not affect—

"(A) the continued employment of any individual employed immediately before October 17, 1986; or

"(B) such individual's right to receive the compensation attached to such position.

"(2) This section shall not apply to an individual whose services are procured by the Institute pursuant to a written procurement contract.

"(3) This section shall not apply to employees of an entity performing services pursuant to a written contract with the Institute.".

**SEC. 365. ENDOWMENT FUNDS.**

Section 302 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1832) is amended—

(1) in subsection (a), by striking "section 333" and inserting in lieu thereof "section 331"; and

(2) in subsection (b)—

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

"(1) provides for the investment and maintenance of a trust fund, the corpus and earnings of which shall be invested in the same manner as funds are invested under paragraph (2) of section 331(c) of the Higher Education Act of 1965, except that for purposes of this paragraph, the term 'endowment fund' means a fund established by an institution of higher education or by a foundation that is exempt from taxation and is maintained for the purpose of generating income for the support of the institution, and may include real estate;"; and

(B) in paragraph (3) by striking "same" the first time such term appears.

**SEC. 366. STUDY.**

The Secretary of the Interior shall conduct a study, in consultation with the board of regents of the Haskell Indian Junior College to evaluate the possible need for alternative institutional and administrative systems at Haskell Indian Junior College to support the transition of such college to a four year university. If the study's conclusions require legislation to be implemented, the study shall be accompanied by appropriate draft legislation. Such study shall be transmitted to the Committee on Indian Affairs of the Senate and the Committee on Education and Labor of the House of Representatives by June 1, 1995.

## PART G—CROSS REFERENCES AND CONFORMING AMENDMENTS

**SEC. 381. CROSS REFERENCES.**

(a) REFUGEE EDUCATION ASSISTANCE ACT OF 1980.—(1) Paragraph (1) of section 101 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "section 198(a)" and inserting "section 10101".

(2) Paragraph (2) of section 201(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(3) Paragraph (3) of section 301(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking ", except that no reduction under this paragraph shall be made for any funds made available to the State under section 303 of the Elementary and Secondary Education Act of 1965".

(4) Paragraph (2) of section 401(b) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended by striking "(other than section 303 of the Elementary and Secondary Education Act of 1965)".

(b) TITLE 10.—(1) Subparagraph (A) of section 1151(b)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(2) Subparagraph (A) of section 1151(b)(3) of title 10, United States Code, is amended by striking "chapter 1 of".

(3) Subparagraph (A) of section 1598(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(4) Section 2194 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "education agency" and inserting "educational agency"; and

(B) in subsection (e)—

(i) by striking "education agency" and inserting "educational agency";

(ii) by striking "section 1471(12)" and inserting "section 10101"; and

(iii) by striking "(20 U.S.C. 1058(b)".

(5) Subparagraph (A) of section 2410j(a)(2) of title 10, United States Code, is amended by striking "chapter 1 of".

(c) TOXIC SUBSTANCES CONTROL ACT.—(1) Subparagraph (A) of section 202(7) of the Toxic Substances Control Act (15 U.S.C. 2642(7)(A)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 3381)".

(2) Paragraph (9) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(9)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(3) Paragraph (12) of section 202 of the Toxic Substances Control Act (15 U.S.C. 2642(12)) is amended—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(4) Section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(A)) is amended—

(A) in subparagraph (A)—

(i) by striking "section 198" and inserting "section 10101"; and

(ii) by striking "(20 U.S.C. 3381)"; and

(B) in subparagraph (C), by inserting "or successor authority" after "1107)".

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Paragraph (1) of section 386(h) of the National Defense Authorization Act for Fiscal Year 1993 (20 U.S.C. 238 note) is amended—

(1) by striking "section 1471(12)" and inserting "section 10101"; and

(2) by striking "(20 U.S.C. 2891(12))".

(e) HIGHER EDUCATION ACT OF 1965.—(1) Paragraph (1) of section 404(c) (20 U.S.C. 1070a-23(c)(1)) is amended by striking "section 1005(c)" and inserting "section 1123(c)(1)".

(2) Clause (ii) of section 418A(b)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(b)(1)(B)(ii)) is amended by striking "subpart 1 of part D of chapter 1" and inserting "part D".

(3) Subparagraph (A) of section 418A(c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1070d-2(c)(1)(A)) is amended—

(A) by striking "subpart 1 of part D of chapter 1" and inserting "part D"; and

(B) by inserting "(or such part's predecessor authority)" after "1965".

(4) Subparagraph (A) of section 465(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(A)) is amended—

(A) by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965"; and

(B) by striking "section 111(c)" and inserting "section 1123(c)(1)".

(5) Subsection (a) of section 469 of the Higher Education Act of 1965 (20 U.S.C. 1087ii(a)) is amended by striking "chapter 1 of".

(6) Subsection (b) of section 501 of the Higher Education Act of 1965 (20 U.S.C. 1102(b)) is amended—

(A) in subparagraph (B) of paragraph (1), by striking "sections 1005 and 1006 of chapter 1 of title I" and inserting "section 1123"; and

(B) in subclause (II) of paragraph (2)(A)(ii), by striking "sections 1005 and 1006" and inserting "section 1123".

(7) Subsection (b) of section 572 of the Higher Education Act of 1965 (20 U.S.C. 1111a(b)) is amended by striking "of chapter 1".

(8) Paragraph (1) of section 581(b) of the Higher Education Act of 1965 (20 U.S.C. 1113(b)(1)) is amended by striking "part A or subpart 1 of part D of chapter 1" and inserting "part A or D".

(9) Paragraph (3) of section 581(c) of the Higher Education Act of 1965 (20 U.S.C. 1113(c)(3)) is amended by striking "chapter 1 of".

(10) Subparagraph (C) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(C)) is amended by striking "chapter 1 of".

(11) Subparagraph (D) of section 586(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1114(d)(1)(D)) is amended by striking "chapter 1 of".

(12) Subclause (I) of section 1144(b)(1)(B)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1138c(b)(1)(B)(iv)(I)) is amended by striking "chapter 1 of".

(f) EDUCATION AMENDMENTS OF 1978.—Subsection (h) of section 1203 of the Education Amendments Act of 1978 (20 U.S.C. 1221-1 note) is amended by striking "section 183" and inserting "part F of title I".

(g) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—(1) Clause (ii) of section 602(a)(21)(A) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(21)(A)(ii)) is amended by striking "chapter 1 of".

(2) Paragraph (2) of section 613(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)) is amended by striking ", including subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965,".

(3) Subparagraph (B) of section 622(c)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1422(c)(2)) is amended by striking "and subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965,".

(h) EDUCATION AMENDMENTS OF 1972.—Subparagraph (B) of section 908(2) of the Education Amendments of 1972 (20 U.S.C. 1687(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 10101".

(i) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—Section 204 of the Department of Education Organization Act (20 U.S.C. 3414) is amended by striking "subpart 1 of part B" and inserting "part D".

(j) EDUCATION AND TRAINING FOR A COMPETITIVE AMERICA ACT OF 1988.—The Education and Training for a Competitive America Act of 1988 (20 U.S.C. 5001 et seq.) is repealed.

(k) EDUCATIONAL PARTNERSHIPS ACT OF 1988.—The Educational Partnerships Act of 1988 (20 U.S.C. 5031 et seq.) is repealed.

(l) SECONDARY SCHOOLS BASIC SKILLS DEMONSTRATION ASSISTANCE ACT OF 1988.—The Secondary Schools Basic Skills Demonstration Assistance Act of 1988 (20 U.S.C. 5061 et seq.) is repealed.

(m) EXCELLENCE IN MATHEMATICS, SCIENCE AND ENGINEERING EDUCATION ACT OF 1990.—The Excellence in Mathematics, Science and Engineering Education Act of 1990 (20 U.S.C. 5311 et seq.) is repealed.

(n) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Paragraph (5) of section 3 of the National Environmental Education Act (20 U.S.C. 5502(5)) is amended—

(1) by striking "local education" and inserting "local educational"; and

(2) by striking "section 198" and inserting "section 10101".

(o) JOB TRAINING PARTNERSHIP ACT.—(1) Paragraph (23) of section 4 of the Job Training Partnership Act (29 U.S.C. 1503(23)) is amended by striking "section 1471(23)" and inserting "section 10101".

(2) Subparagraph (B) of section 263(a)(2) of the Job Training Partnership Act (29 U.S.C. 1643(a)(2)(B)) is amended by striking "chapter 1 of".

(3) Subparagraph (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1)(B)) is amended by striking "chapter 1 of".

(4) Paragraph (2) of section 265(b) of the Job Training Partnership Act (29 U.S.C. 1645(b)(2)) is amended by striking "parts A through D of chapter 1" and inserting "parts A through C".

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993.—Paragraph (3) of section 1091(1) of the National Defense Authorization Act for Fiscal Year 1993 (32 U.S.C. 501 note) is amended by inserting "(as such section was in effect on the day preceding the date of enactment of this Act)" after "1965".

(q) SAFE DRINKING WATER ACT.—Section 1461 of the Safe Drinking Water Act (42 U.S.C. 300j-21(6)) is amended—

(1) in subparagraph (A) of paragraph (3)—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 3381)"; and

(2) in paragraph (6)—

(A) by striking "section 198" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2854)".

(r) CIVIL RIGHTS ACT OF 1964.—Subparagraph (B) of section 606(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a(2)(B)) is amended by striking "section 198(a)(10)" and inserting "section 10101".

(s) OLDER AMERICANS ACT OF 1965.—(1) Section 338(a) of the Older Americans Act of 1965 (42 U.S.C. 3030g-11(a)) is amended—

(A) by striking "section 1005(d)(2)" and inserting "1121(c)(1)(A)"; and

(B) by striking "(20 U.S.C. 2711(d)(2))".

(2) Section 338A of the Older Americans Act of 1965 (42 U.S.C. 3030g-12(a)(1)) is amended—

(A) in paragraph (1) of subsection (a)—

(i) by striking "section 1471" and inserting "section 10101"; and

(ii) by striking "(20 U.S.C. 2891)"; and

(B) in paragraph (3) of subsection (b)—

(i) by striking "projects under section 1015" and inserting "programs under section 1114"; and

(ii) by striking (20 U.S.C. 2025)".

(3) Subparagraph (B) of section 363(5) of the Older Americans Act of 1965 (42 U.S.C. 3030o(5)(B)) is amended—

(A) by striking "section 1471" and inserting "section 10101"; and

(B) by striking "(20 U.S.C. 2891)".

(t) CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.—(1) Subsection (d) of section 111 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(d)) is amended by striking "chapter 1 of".

(2) Paragraph (14) of section 113(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2323(b)(14)) is amended by striking "chapter 1 of".

(3) Subsection (a) of section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2325(a)) is amended—

(A) by striking "chapter 1 of"; and

(B) by inserting "of 1965" after "Secondary Education Act".

(4) Paragraph (1) of section 231(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(a)(1)) is amended by striking "section 1005" and inserting "section 1124 or such section's predecessor authority".

(5) Clause (iv) of section 231(d)(3)(A) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2341(d)(3)(A)(iv)) is amended by striking "chapter 1 of".

(6) Section 352 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2395a) is amended by striking "section 1006" and inserting "section 1124".

(7) Subsection (b) of section 353 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2396b) is amended by striking "section 1006" and inserting "section 1124".

(8) Paragraph (1) of section 368 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2396f(1)) is amended by striking "section 1006" and inserting section 1124".

(9) Paragraph (3) of section 420(a) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2420(a)(3)) is amended by striking "section 1562" and inserting "subpart 2 of part C of title II".

(10) Paragraph (20) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(20) is amended by striking "section 1471(5)" and inserting "section 10101".

(11) Paragraph (21) of section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(21)) is amended by striking "section 703(a)(1)" and inserting "section 7104".

(u) JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.—Paragraph (2) of section 288E(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e-5(a)(2)) is amended by striking "chapter 1 of".

(v) AGE DISCRIMINATION ACT OF 1975.—Clause (ii) of section 309(4)(B) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 198(a)(10)," and inserting "section 10101".

(w) HEAD START TRANSITIONAL PROJECT ACT.—(1) Paragraph (4) of section 132 of the Head Start Transition Project Act (42 U.S.C. 9855(4)) is amended by striking "section 1471(12)" and inserting "section 10101".

(2) Subsection (a) of section 134 of the Head Start Transition Project Act (42 U.S.C. 9855b(a)) is amended by striking "of chapter 1".

(3) Subsection (b) of section 134 of the Head Start Transition Project Act (42 U.S.C. 9855b(b)) is amended by striking "of chapter 1".

(4) Subsection (d) of section 135 of the Head Start Transition Project Act (42 U.S.C. 9855c(d)) is amended by striking "schoolwide project under section 1015(a)" and inserting "schoolwide program under section 1114".

(5) Subparagraph (C) of section 136(a)(4) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(4)(C)) is amended—

(A) by striking "Follow Through Act, chapter 1 of"; and

(B) by striking "part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965".

(6) Paragraph (8) of section 136(a) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(8)) is amended by striking "part B of chapter 1" and inserting "part C".

(7) Paragraph (10) of section 136(a) of the Head Start Transition Project Act (42 U.S.C. 9855d(a)(10)) is amended by striking "part B of chapter 1" and inserting "part C".

(x) FOLLOW THROUGH ACT.—The Follow Through Act (42 U.S.C. 9861 et seq.) is repealed.

(y) COMPREHENSIVE CHILD DEVELOPMENT ACT.—Paragraph (5) of section 670S of the Comprehensive Child Development Act (42 U.S.C. 9886(5)) is amended by striking "section 1471(12)" and inserting "section 10101".

(z) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—Subparagraph (B) of section 112(b)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12524(b)(2)(B)) is amended by striking "chapter 1 of".

(aa) TRAINING TECHNOLOGY TRANSFER ACT OF 1988.—Paragraph (1) of section 6144 of the Training Technology Transfer Act of 1988 (20 U.S.C. 5124(1)) is amended by striking "section 405(d)(4)(A)(1) of the General Education Provisions Act (20 U.S.C. 1221e(d)(4)(A)(1))" and inserting "section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994".

**SEC. 382. ADDITIONAL REPEALS AND TECHNICAL AND CONFORMING AMENDMENTS REGARDING IMPACT AID.**

(a) ADDITIONAL REPEALS.—

(1) OMNIBUS BUDGET RECONCILIATION ACT OF 1981.—Subsection (c) of section 505 of the Omnibus Budget Reconciliation Act of 1981 is repealed.

(2) EDUCATION AMENDMENTS OF 1984.—Section 302 of the Education Amendments of 1984 is repealed.

(3) DEPARTMENT OF EDUCATION APPROPRIATIONS ACT, 1991.—Section 306 of the Department of Education Appropriations Act, 1991, is repealed.

(4) NATIONAL ASSESSMENT OF CHAPTER 1 ACT.—Paragraph (2) of section 3(a) of the 1992 National Assessment of Chapter 1 Act is repealed.

(5) PUBLIC LAW 92-277.—Section 2 of Public Law 92-277 (86 Stat. 124) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1966.—Section 182 of the Elementary and Secondary Education Amendments of 1966 is amended by striking "by the Act of September 23, 1950 (Public Law 815, 81st Congress),".

(2) TOXIC SUBSTANCES CONTROL ACT.—Subparagraph (C) of section 302(1) of the Toxic Substances Control Act (15 U.S.C. 2662(1)(C)) is amended by inserting "as in effect before enactment cf the Improving America's Schools Act of 1994" after "section 6 of the Act of September 30, 1950 (64 Stat. 1107),".

**SEC. 383. INDIAN EDUCATION.**

(a) ADULT EDUCATION ACT.—Paragraph (4) of section 322(a) of the Adult Education Act (20 U.S.C. 1203a(a)) is amended by striking "the Indian Education Act" and inserting "title VI of the Elementary and Secondary Education Act of 1965".

(b) EDUCATION AMENDMENTS OF 1978.—Paragraph (3) of section 1128(c) of the Education Amendments of 1978 (25 U.S.C. 2008(c)(3)) is amended—

(1) in clause (i) of subparagraph (A), by striking "(as determined pursuant to section 5324 of the Indian Education Act of 1988)"; and

(2) in subparagraph (B)—

(A) by striking "the later of the following" and all that follows through "(ii)"; and

(B) by inserting ", and for each fiscal year thereafter" before the period at the end thereof.

(c) INDIAN EDUCATION ASSISTANCE ACT.—Section 209 of the Indian Education Assistance Act (25 U.S.C. 458e) is amended by striking "title IV of the Act of June 23, 1972 (86 Stat. 235)" and inserting "title VI of the Elementary and Secondary Education Act of 1965".

(d) JOHNSON-O'MALLEY ACT.—Subsection (a) of section 5 of the Act of April 16, 1934, commonly known as the "Johnson-O'Malley Act" (25 U.S.C. 456(a)) is amended by striking "section 305(b)(2)(B)(ii) of the Act of June 23, 1972 (86 Stat. 235)" and inserting "section 6104(c)(4) of the Elementary and Secondary Education Act of 1965".

**SEC. 384. OTHER TECHNICAL AND CONFORMING AMENDMENTS.**

(a) ADULT EDUCATION ACT.—Paragraph (7) of section 342(c) of the Adult Education Act (20 U.S.C. 1206a(c)) is amended by striking "section 7004(a) of title VII" and inserting "section 7104(5)".

(b) AGE DISCRIMINATION ACT OF 1975.—Clause (ii) of section 309(4)(B) of the Age Discrimination Act of 1975 (42 U.S.C. 6107(4)(B)(ii)) is amended by striking "section 198(a)(10)" and inserting in lieu thereof "section 9101(13)".

(c) ANTI-DRUG ABUSE ACT OF 1988.—Subparagraph (A) of section 3521(d)(8) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11841(d)(8)(A)) is amended by striking "the Drug-Free Schools and Communities Act of 1986" and inserting "part A of title V of the Elementary and Secondary Education Act of 1965".

(d) ASBESTOS SCHOOL HAZARD ABATEMENT ACT.—Section 511 of the Asbestos School Hazard Abatement Act of 1984 (20 U.S.C. 4020) is amended—

(1) in subparagraph (A) of paragraph (4), by striking "section 198(a)(10)" and inserting "section 10101"; and

(2) in subparagraph (A) of paragraph (5), by striking "section 198(a)(7)" and inserting "section 10101".

(e) CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—Subsection (c) of section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(c)) is amended by striking "section 1006" and inserting "section 1124".

(f) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—Paragraph (10) of section 457 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899f(10)) is amended by striking "section 7003 of the Bilingual Education Act" and inserting "section 7104(5) of the Elementary and Secondary Education Act of 1965".

(g) FAMILY AND MEDICAL LEAVE ACT OF 1993.—Subparagraph (A) of section 108(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2618(a)(1)(A)) is amended by striking "section 1471(12) (20 U.S.C. 2891(12))" and inserting "section 10101".

(h) GOALS 2000: EDUCATION AMERICA ACT.—The Goals 2000: Educate America Act is amended—

(1) in section 3—

(A) in subsection (a)—

(i) in paragraph (6), by striking "section 1471" and inserting "section 10101"; and

(ii) in paragraph (10), by striking "section 602" and inserting "section 602(a)(17)"; and

(B) in paragraph (1) of subsection (b), by striking "section 1471" and inserting "section 10101";

(2) in paragraph (7) of section 231, by striking "chapter 1 of";

(3) in subsection (b) of section 232—

(A) in subparagraph (A) of paragraph (2), by striking "Star Schools Program Assistance Act" and inserting "Star Schools program authorized by part B of title III of the Elementary and Secondary Education Act of 1965"; and

(B) in subparagraph (F) of paragraph (3), by striking "the evaluation undertaken pursuant to section 908 of the Star Schools Program Assistance Act" and inserting "any evaluation of the Star School program undertaken by the Secretary";

(4) in subsection (b) of section 310, by striking "section 1017" and inserting "sections 1117 and 10503"; and

(5) in subsection (b) of section 311, by amending paragraphs (1) through (6) to read as follows:

"(1) Title I of the Elementary and Secondary Education Act of 1965.

"(2) Part A of title II of the Elementary and Secondary Education Act of 1965.

"(3) Part A of title V of the Elementary and Secondary Education Act of 1965.

"(4) Title VIII of the Elementary and Secondary Education Act of 1965.

"(5) Part B of title IX of the Elementary and Secondary Education Act of 1965.

"(6) The Carl D. Perkins Vocational and Applied Technology Education Act.".

(i) IMMIGRATION AND NATIONALITY ACT.—Subparagraph (D) of section 245A(h)(4) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(D)) is amended to read as follows:

"(D) Title I of the Elementary and Secondary Education Act of 1965.".

(j) NATIONAL AND COMMUNITY SERVICE ACT OF 1990.—The National and Community Service Act of 1990 is amended—

(1) in section 101—

(A) in paragraph (8), by striking "section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965";

(B) in paragraph (14), by striking "section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965;

(C) in paragraph (22), by striking "section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(D) in paragraph (28), by striking "section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965";

(2) in subparagraph (B) of section 112(b)(2), by inserting "or its successor authority" after "(20 U.S.C. 2711 et seq.)"; and

(3) in subsection (b) of section 115A, by inserting ", as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994" after "(20 U.S.C. 2727(b))".

(k) REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 is amended—

(1) in section 202(b)(4)(A)(i), by striking "paragraphs (8) and (21), respectively, of section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891 (8) and (21))" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(2) in subparagraph (B) of section 504(b)(2), by striking "section 1471(12)" and inserting "section 10101".

(l) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—The School-to-Work Opportunities Act of 1994 is amended—

(1) in paragraph (15) of section 4, by striking "section 602(17)" and inserting "section 602(a)(17)"; and

(2) in subsection (b) of section 502, by amending paragraphs (1) through (6) to read as follows:

"(1) title I of the Elementary and Secondary Education Act of 1965;

"(2) part A of title II of the Elementary and Secondary Education Act of 1965;

"(3) part A of title V of the Elementary and Secondary Education Act of 1965;

"(4) part B of title IX of the Elementary and Secondary Education Act of 1965;

"(5) title XIII of the Elementary and Secondary Education Act of 1965; and

"(6) the Carl D. Perkins Vocational and Applied Technology Education Act.".

(m) SOCIAL SECURITY ACT.—Paragraph (7) of section 402(g) of the Social Security Act (42 U.S.C. 602(g)(7)) is amended by striking "chapter 1 of the Education Consolidation and Improvement Act of 1981" and inserting "title I of the Elementary and Secondary Education Act of 1965".

(n) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G of the State Dependent Care Development Grants Act (42 U.S.C. 9877) is amended—

(1) in paragraph (6), by striking "section 198(a)(10)" and inserting "section 10101 of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (11), by striking "section 198(a)(17)" and inserting "section 10101".

(o) TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—The Tribally Controlled Schools Act of 1988 is amended—

(1) in subparagraph (C) of section 5204(a)(3), by striking "chapter 1 of"; and

(2) in section 5205—

(A) in subparagraph (A) of subsection (a)(3), by striking "chapter 1 of"; and

(B) in subsection (b)—

(i) in subparagraph (A) of paragraph (2), by striking "chapter 1 of"; and

(ii) in clause (i) of paragraph (3)(A), by striking "chapter 1 of".

On page 1358, between lines 9 and 10, insert the following:

**SEC. 402. PARENTAL INVOLVEMENT.**

It is the policy of the Congress that the States, in cooperation with local educational agencies, schools, and parent groups, should be encouraged to involve parents of children who display criminal or violent behavior toward teachers, students, or others on school property in disciplinary actions affecting such children.

Mr. KENNEDY. Mr. President, I ask unanimous consent the debate and discussion earlier in the morning be arranged in the RECORD so as not to interfere with the general flow of the

presentation of the debate on this legislation. I ask consent to be able to do that.

The PRESIDING OFFICER. Without objection, the debate occurring earlier this morning will be included in the RECORD in a place so as not to interfere with the debate on this particular bill.

PRIVILEGE OF THE FLOOR—S. 1513

Mr. KENNEDY. Furthermore, I ask consent two fellows on the Labor Committee staff, Jerry Hauser and Tricia Greenberg, be accord privileges of the floor during consideration of the bill.

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

The Chair recognizes the Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, I rise to express support for S. 1513, the Improving America's Schools Act of 1994.

This legislation, as has been pointed out in the earlier part of the opening debate, reauthorizes a number of beneficial programs that were established under the Elementary and Secondary Education Act.

The Federal Government provides a relatively small share of the financial assistance offered to our Nation's elementary and secondary schools—about 6 percent.

Nevertheless, the Federal investment has been and is substantial, and funding for the programs included in ESEA currently exceeds $10 billion.

The Elementary and Secondary Education Act was first enacted in 1965. I think that is important because I think a lot of people assume this is new legislation. Instead, for nearly 30 years, ESEA programs have allowed schools across the country to offer services that they might otherwise be unable to provide. The $70 million which schools in Kansas receive is greatly valued, and I am sure that every Member of this body can say the same about their own States.

Beyond dollars and cents, however, are the tangible contributions which ESEA support has made to the improvement of education.

Years ago, efforts that I began as a volunteer to start a library in my children's school received an enormous boost when ESEA was enacted and funds became available to help establish a library in the elementary school.

More recently, I have had the opportunity to visit schools throughout the State and to see that my own experience was not unique. The combination of creative teachers and a little Federal funding is a powerful one, indeed.

The largest of the ESEA programs, chapter 1, provides extra help to educationally disadvantaged children, particularly in the areas of reading and math. The additional services made available under chapter 1 often spell the difference between a child's getting a solid foundation in skills needed for future educational success or simply muddling through years of school without these skills.

Another valuable program, I believe, Mr. President, is the chapter 2 block grant program, which allows States and localities great flexibility in supporting school improvement projects. Locally designed initiatives under chapter 2 make it possible to reflect the needs and priorities with the individual school districts. It is for this reason that local school officials have always enthusiastically supported chapter 2. As a former school board member, I place particular value on the views of those on the front lines of education, and those are the voices that we need to hear.

The chairman has gone through, as did the Senator from Rhode Island [Mr. PELL], the ESEA programs. Just to briefly reiterate some that I think are important: Even Start, which encourages parents to learn along with their children; impact aid, which has always made a difference in those areas which have significant Federal property because it provides Federal education funds to those school districts in lieu of lost tax revenue resulting from the presence of Federal property; the Blue Ribbon Schools Program, which recognizes outstanding schools providing an incentive to strive for excellence. It is not a lot of money, Mr. President, but it has made a big difference in the recognition which schools and school districts can achieve and gives them an incentive to continue to strive for excellence in education.

There is the migrant and homeless education programs, which provide supplemental services to children whose educations are disrupted by frequent moves from one school to another; and there is the chapter 1 State-operated program which provides funds for disabled students in State schools and institutions.

In addition to continuing these ongoing efforts, this legislation has a number of positive improvements, I suggest, particularly in the chapter 1 program.

A few highlights: The bill provides schools with greater flexibility to combine funds from various ESEA programs. This will make it possible to provide education services in more coordinated, comprehensive, and innovative ways. Too often today, we find that a great deal of time is spent figuring out how to fit a child into a set categorical program, rather than figuring out how to fit the program to the child.

The bill allows States to use their own assessments to measure the effectiveness of chapter 1, rather than tying them to dubious and often inappropriate standardized tests now selected by the Department of Education.

The bill more effectively targets chapter 1 funding to the poorest schools and allows States to use more accurate data to identify high poverty school districts.

It puts in place a system that will help guard against applying a lower set of expectations for disadvantaged students.

It increases the level of parental involvement in chapter 1 programs Mr. President, and I believe this is very important. I think we have come to recognize that just teachers and more money and Federal efforts are not going to solve education problems. It really takes parental caring and involvement and a student's recognition of the importance of that involvement which gives them incentives to learn and study. So I think encouraging that parental involvement, particularly in the chapter 1 programs, is very important.

Over the course of the past several months, the Committee on Labor and Human Resources has spent a great deal of time developing this legislation. I know it was pointed out earlier that this, of course, is an enormously large bill. As I pointed out, I am not quite sure why the administration's proposal regarding the reauthorization was marked out and included in the bill, and then the new portion was printed as well. It does make it look even longer than it is. But we spent a lot of time analyzing and debating and holding hearings on this reauthorization.

I am particularly pleased that the committee adopted changes which reaffirm local control and flexibility. Although I have the greatest respect for Secretary of Education Riley, I do feel that the original administration proposal went too far in trying to direct State and local education policies well beyond the chapter 1 program. I and others were concerned as well about the number of mandates which the original bill would have imposed on States and localities. I am pleased that this measure departs in several significant respects from the companion bill, H.R. 6, that was approved by the House of Representatives earlier this year.

In particular, S. 1513, the legislative language that we are considering now, does not contain any language dealing with so-called opportunity-to-learn standards. Such standards deal with issues such as resources, facilities, instruction material, and class sizes, all of which are areas that I believe are clearly State and local responsibilities.

Any time that Federal funds are involved, there is always a tension between the Government's need for accountability and the recipient's judgment about how the funds might be most effectively used.

The fine line between welcome Federal support and inappropriate interference is one that we are frequently asked to define.

In the areas of education, I think it is particularly critical that we take great care in doing so. The vitality and success of education, particularly at

the elementary and secondary level, is directly linked to the level of community involvement in the enterprise. I believe S. 1513 strikes an appropriate balance.

As is often the case with a large piece of legislation which has undergone many, many revisions, there has been a certain amount of confusion about several aspects of this bill. So having mentioned some of the things which S. 1513 does do and which I feel are positive, I want to lay out some of the things which it does not do.

S. 1513 does not mandate that home school parents be certified as teachers. There has been a great deal of confusion about this, and I want to reiterate: It does not mandate that home school parents be certified as teachers. Language has been specifically included in the bill to make it clear that home schools, as well as private and religious schools, are not affected by this legislation.

Nothing in S. 1513 mandates the adoption of national standards or outcomes-based education. Decisions about curriculum and instructional methods continue to be left to the State and local school board. They are not assigned to the Federal Government and, I suggest, never should be. In fact, the bill contains specific language which prohibits the Federal Government from prescribing or mandating curriculum or the allocation of resources. Nothing in S. 1513 would dictate how the State and local funds are spent on education.

S. 1513 includes specific language assuring that its provisions will not lead to the imposition of unfunded mandates.

Finally, S. 1513 does not authorize the use of Federal funds for school-based health clinics. It does not authorize the use of funds for school-based health clinics. Such clinics have never been supported with ESEA funds.

One disappointment I do have with this legislation is the fact that it adds a number of new programs to the Elementary and Secondary Education Act, and that is what some of those extra pages contain, Mr. President, without getting rid of any of the old programs. The administration even recommended eliminating some of the old programs, but that was not supported by the committee.

Certainly, there is always the temptation to create a new program to address a particular need or interest. Over time, however, this becomes a confusing array of small and almost-but-not-quite-the-same programs. More over, the realities of our budget situation mean that more programs will be chasing scarce dollars.

On balance, this bill moves us in a positive direction. I should like to commend the committee chairman, Senator KENNEDY, as well as the leadership of the Education, Arts and Humanities Subcommittee, Senators PELL and JEFFORDS, for the efforts they have made in shaping a product which commanded strong, bipartisan support in the committee.

I urge my colleagues to join us in approving this measure.

There will be a number of amendments, Mr. President, that we recognize, and that will be an important part of the debate. But I would particularly like to call attention to the time that has been spent by the subcommittee chairman, the Senator from Rhode Island [Mr. PELL], and the ranking member of the Education, Arts and Humanities Subcommittee, the Senator from Vermont [Mr. JEFFORDS].

I yield the floor, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Just on a technical question, I rise to clarify my earlier request. I was submitting a series of committee authorized modifications to the committee amendment. I wish to clarify that the committee amendment was modified in accordance with my request.

The PRESIDING OFFICER. The Chair understands and recognizes the clarification.

Who seeks recognition?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. President, I rise today in strong support of S. 1513, a bill to reauthorize the Elementary and Secondary Education Act. First enacted in 1965 this bill is the single largest Federal education program. The benefits to low income and educationally disadvantaged students in elementary and secondary schools can be seen across the country in rural towns like Putney, VT to sprawling urban cities like Boston and Chicago.

S. 1513 is a comprehensive bill. It includes the well-known chapter 1 program—now called title I—designed to provide financial support for schools to improve the educational opportunities of low-income students, including funds to prepare students for the transition from preschool to elementary school, to provide literacy training to parents of young children, and to serve both migrant children and children who reside in institutions for neglected and delinquent children. The bill also includes funds to address the needs of bilingual children, gifted and talented children, and includes a new emphasis on professional development and funds for schools to purchase new technology.

Passage of this bill will continue our commitment to assist our next generation to be a productive, educated people, that can adapt to a technologically complex workplace and can respond quickly to the changing demands of society. I hope that my colleagues will join me in supporting S. 1513.

Let me take a brief moment to thank both the chairman of the committee and the chairman of the subcommittee of their willingness to work with Members from both sides of the aisle to craft what I believe is a sound bill. I would also like to thank the ranking member, Senator KASSEBAUM, for her outstanding leadership on several issues of importance to many Republican Members, especially issues concerning flexibility for States and school districts. This has been a truly bipartisan effort, and I can say without hesitation that I lend my full support to this piece of legislation.

I believe this reauthorization represents a fundamental change in thinking. The goal of this reauthorization has been to demand high standards for all children including our most disadvantaged. It is interesting to note, however, that over a year ago, before the Clinton administration had released its reauthorization proposal, I held a hearing in Montpelier, VT on the reauthorization of the Elementary and Secondary Education Act. At that time, I heard certain recommendations repeated over and over again from individuals across the educational spectrum. I am proud to say that I believe we have substantially followed those recommendations.

Witnesses at that hearing spoke about the need to give schools, school districts, and States maximum flexibility to design and carry out their programs in exchange for increased accountability to the Federal Government. We have done this with S. 1513. They told me that it was time to reward good performance in ESEA programs. Again, we have done this. In all, I believe that we have crafted an excellent reauthorization bill.

First, in the title I program we have made several changes to the bill proposed by the administration which, in my mind, have resulted in giving States and local school districts more flexibility, while at the same time ensuring that students served by the program will received a high quality educational experience.

While there is no disagreement that all students should be taught to high academic standards, members from my own party have expressed very legitimate concerns that requiring State to develop standards and assessments will be very costly and could be construed as authorizing Federal intervention into the locally controlled issue of curriculum content. Many believed it represented a back-door approach to forcing States to participate in the Goals 2000 Program. While I supported that program and the philosophy behind it I, too, was concerned that we not demand too much, too quickly from

States. For example my State of Vermont, is close to completing its common core of learning and new assessment measures, but other States are not nearly so far along.

In my mind, the committee has found the appropriate balance between encouraging schools, teachers, and parents to have high expectations for all children—including children who come from disadvantaged backgrounds—and recognizing that the 6 percent of funds that comes from the Federal Government cannot drive the entire educational system of a State. The committee bill represents a compromise between the administration's bill, which required States to develop and use standards for all children, and current law which does not require standards at all. S. 1513 as reported by committee requires States to use standards only for children who are served by the title I program in at least math and reading. It also allows States as much as 4 years to make the transition toward new testing systems based on performance measures rather than rote fill-in-the dot tests. I think this is an excellent compromise.

Another area of deep interest to many of the Members on the committee as well as the rest of our colleagues here in the Senate is the formula by which funds are to be distributed under title 1.

I would like to say a few words about what we have done and why I believe that the committee has crafted an excellent formula. In my mind the formula that has been put forward buy Chairman KENNEDY and Chairman PELL strikes a good balance between targeting title I funds to areas of high poverty and fulfilling the promise that we have made to provide those needy children who live in poverty with extra assistance, whether they live in the inner cities or in rural areas.

The formula we are considering today recognizes that it costs more to education poor children when they attend schools in districts which have high numbers or concentrations of poor students and provides grants of up to 40 percent high to serve students in these areas. Furthermore, for the first time, the formula provides rewards and incentives to those States which carry a high tax burden for education and to those States which have achieve a significant degree of funding equity in public schools across the State. While no one formula can be perfect for every State, I believe that this is a solid proposal.

At the State level, there is even greater targeting to poor areas. The within-State formula that was adopted by the committee cuts out all districts with a poverty student rate lower than 5 percent and again weights children according to the poverty of the district in which they attend school.

The formula may not go as far in targeting to high poverty areas as the formula that the Clinton administration proposed, yet it makes considerable headway toward targeting more money on poor children than the formula in current law. Conceptually I am sure we would all support a highly targeted formula. But in practice—with limited Federal dollars—such a formula is difficult to achieve because it entails robbing from poor Peter to pay poor Paul. Until we put a high priority on education and commit the resources necessary to serve all poor children, we will continue to be forced to devise formulas which are less than perfect.

While the title I program is the largest program in the bill, there are a number of other changes that have been made to the bill which I would like to mention here.

S. 1513 includes a new—and long overdue—effort to recognize the valuable work of teachers, administrators, and school staff. Title II of the bill provides $800 million devoted solely toward increasing access by teachers and school staff to intensive high-quality professional development activities. Studies have shown that increased access to professional development can dramatically improve classroom instruction and learning. Too often, however, there is no room in the school budget to provide for these activities. If we are to demand high standards of our students then it is essential that we give teachers and administrators the necessary tools to implement those standards. Title II recognizes the worth of our school professionals and provides the necessary fiscal support to implement these policies.

Title III of the bill provides much-needed and long-awaited Federal support for the development and purchase of educational technology. It holds the promise of helping to modernize our classrooms and prepare our young people for the increasingly technological workplace that will await them beyond the school doors. The children who will enter kindergarten this fall will be graduating from high school in the year 2007. It is critical that they learn not only how to use computers and other technology to enhance their own work, but how to use technology as a tool to open the windows to the world, through the Internet and other services that will provide them with access to any information the world over at the touch of their fingertips. Attaining this goal, however, will not be easy. Particularly in our poorer and more rural areas of the country, schools remain in the technological dark ages.

The provisions of this bill will not only stimulate development of new technological applications to education through public/private partnerships, but will also provide schools with the resources needed to purchase hardware and software and the connections necessary to link those purchases into state- and nationwide networks. Equally important, the bill contains provisions to address the needs of learners at all stages of the educational process, from pre-kindergarten through graduate school, and makes special note of the importance of technology as it relates to adult education and literacy programs.

"Programs of National Significance," title VIII, includes a number of small demonstrations which, if funded, could be replicated throughout the country. I am especially pleased that the 21st Century Community Learning Centers is one of these programs. Based on efforts in Vermont this program encourages schools to become learning centers for individuals of all ages.

The 21st Century Community Learning Centers Program is built on the notion of community education and on helping schools become centers of activity in rural and low-income communities. This program will encourage schools to bring the community into the school building, with activities and services provided by community members for the benefit of school children such as after-school tutoring programs, intergenerational mentoring programs, and on-site health and social services, as well as for the benefit of the adult members of the community, such as adult literacy classes, vocational training, and other evening programs.

Modeled after schools such as the H.O. Wheeler school in Burlington, this bill encourages the notion of community education—the coordination of education, recreation and social services in schools in order to better serve area residents and improve the quality of life for all.

Also included in title XIII is another program of great importance to me. It is the Javits Gifted and Talented Program which provides essential services to youngsters with exceptional talent. While this program receives only a fraction of the funds necessary to serve these special young people, it is nevertheless important for the Federal Government to recognize their importance to our future generations. This is an area in which we need improvement with respect to funding. I would like to thank the chairman for addressing my concerns with the program which the administration proposed, substantially diluting from its present form. S. 1513 maintains the focus of the program where it belongs—on identifying and serving gifted and talented youth.

I also strongly support provisions which have been included in the committee substitute which require rigorous evaluations of all Federal elementary and secondary education programs, including longitudinal studies where appropriate. In my mind, it is critical to know what kinds of effects these programs are having on teaching and learning. It is a pity that we have spent millions of dollars on demonstration programs over the years for which

we have no good evaluation. We do not know whether some of these programs have helped children, or whether the gains that the children have made in some programs are sustained over time or whether they fade away after 6 months or a year. It is critical to know the answers to these questions before we proceed, especially under the Goals 2000 bill, where we must provide information and guidance on which programs to replicate.

Finally, I think it is important to note that S. 1513 continues what was known as chapter 2, now entitled title XIII. As with chapter 2, title XIII continues to provide schools the flexibility to respond to emerging local education priorities. Under the original version of S. 1513, the administration proposed eliminating the program. I know that in my State, this would have meant many Vermont school districts losing valuable dollars to fund computer technology, professional development, and parental involvement initiatives. I certainly am pleased to see it included in the bill before us today.

This is an exciting time for education. We have passed the Goals 2000 Act which will set the framework for high academic standards and we are now poised to pass S. 1513. But let us not rest on our laurels. The unfortunate reality is that one in four children still remain below the most basic level of proficiency according to 1993 test results.

The number of individuals who are functionally illiterate is still far too high. S. 1513 will provide the framework for change, but nothing can be done if we do not back up our words with a strong fiscal commitment. Passage of this bill represents only half of the job, and the other half will be completed when we reorder our priorities and devote the kinds of funds necessary to adequately prepare our youth for the years to come.

I urge my colleagues to support S. 1513, but I also urge them to consider in the months and years to come the urgent need to fully fund the programs we enact. I am most hopeful that next year we can take a step toward being able to have that funding which is so critical and so necessary for the educational system.

Mr. President, I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I am very pleased to be counted as a supporter of S. 1513. Our Nation must maintain quality public education for everyone—and that is what the Improving America's School Act is all about.

Education is not just a private benefit to an individual, but is, in fact, a public good. It is the cornerstone of a healthy democracy. It is the means by which we prepare our children to succeed, to make a living, to participate in the community, to enjoy the arts, and to understand the technology that has reshaped our workplace.

Nonetheless, the Federal Government, as well as most States, continues to force local school districts to rely increasingly on local property taxes for public education.

In my State, in Illinois, the State share of public education funding fell from 43 percent during the 1980–81 school year to 34 percent in the 1992–93 school year, while the local share of funding increased from 48 to 58 percent during this same period.

The Federal Government's share of public education funding has also plummeted from 9.8 to 6.1 percent in just the last decade alone.

This pattern, Mr. President, is reflected nationwide and is one that we must reverse. The local property tax is, in my opinion, one of the worst funding sources for as critical a need as education. I am sure we can think of others that are not as good, but certainly the local property tax should not be the primary basis of funding for public education.

Funding for education should reflect our commitment to the importance of the social needs, and education should have a stable, elastic, responsive, and dependable funding base.

When I served, Mr. President, in my State legislature, I worked to make education my No. 1 priority, and I worked at that time to increase State support for education. In that period of time—and I served in the Illinois General Assembly for about 10 years—in that period of time, I saw candidate-after-candidate campaign on an education-first platform. We had in our State an education Governor, education mayors, and an education President; everybody was running on the basis of support for education and the importance of prioritizing it on the basis that our children are our future, that we have an obligation to them.

Well, Mr. President, I think it is time for us to make real the promise and the verbiage and the conversation around the priority that education should be. I believe that we have not only an obligation to our children to fund education, to adequately fund public education—and I daresay quality public education—but we have an obligation to ourselves, as well.

As laudable as the goal may be of prioritizing our children's needs, we also have an interest as a nation in seeing to it that our system of quality public education is maintained and is comparable and competitive with any in the world. Particularly, as we go into this information age, our support, our real support for public education, is a critical need and one that we cannot step away from.

Mr. President, the Congressional Research Service cites several studies in its report, "Educating New American Workers, Improving the Transition From School to Work," which finds that too many Americans are stuck in low-wage jobs due to limited career guidance, inadequate workplace experiences, and other impediments to efficient school-to-work transition.

That report talks about the forgotten half, which found that men aged 20 to 24 with high school diplomas experienced a 28-percent decline in real earnings between 1973 and 1986, while high school dropouts experienced a 42-percent decline during this same period.

A recent Census Bureau study found that 21.6 percent of all full-time workers with high school diplomas made low earnings in 1990, up from 12 percent in 1994.

In short, all of the reports and numerous studies have made it very clear that in order to compete in this world economy—to compete in this economy—having a quality education at the elementary and secondary level is of critical importance.

GAO studies reported that in the United States, our country as a whole is lagging behind some of our primary international economic competitors, including Germany and Japan, in providing our young people with the academic knowledge and technical skills employers will need. It is not too difficult to figure out the connection, the nexus between a quality system of public education and our ability to compete in this world economy in this information age. If we do not train our workers, if we do not train our work force, not only will we be building in the basis for a declining standard of living among our young people, but we will also be tearing apart the very foundation that made our country great and made us economically competitive worldwide.

So education is not just something that relates to the individual, it relates to whether or not a particular person can get a good job. Education is something that transcends the individual and relates to our entire community—to our competitiveness worldwide, to our ability to maintain our culture, to our ability to maintain the capacity of our community to grow and to appreciate democratic institutions; to our ability, indeed, to relate to health care issues such as the Senator from West Virginia just talked about.

The closest indices for health care status is educational attainment. The closest indices for crime, if you look at crime statistics: The higher the level of education, the lower the crime rate.

So here we have a social goal that relates directly to any number of priorities that we have in our society, from our position internationally to our health care status to the level of crime. Education becomes the key for our society as well as for the individual.

So I am delighted to join Senator KENNEDY, Senator KASSEBAUM, Senator

PELL, and others on this committee. I unfortunately do not serve on the committee, although I have been delighted to support and work with the sponsors of this legislation. I am delighted to join with them in behalf of S. 1513, because I think it represents a real step forward, a real initiative to promote increased Federal funding for public education by raising the authorization level for Federal education programs in the Elementary and Secondary Education Act. It will raise it to $12.5 billion in fiscal year 1995. And I believe that is a step in the right direction.

The PRESIDING OFFICER. The Chair will indicate to the Senator from Illinois that the hour of 12:30 has arrived.

Mr. KENNEDY. Mr. President, I ask unanimous consent it be in order we proceed for another 10 minutes.

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

Ms. MOSELEY-BRAUN. I thank the Senator very much. I will try to be brief.

Unlike past ESEA reauthorizations, S. 1513 would also create a coherent framework for education reform by coordinating all ESEA programs with the education reforms in the Goals 2000: Educate America Act that President Clinton signed into law on March 31, 1994.

S. 1513 would restructure the title I Program by directing States to develop their own content standards, performance standards, and opportunity-to-learn standards to improve the way teachers teach and students learn. Yet, rather than requiring States to adopt any specific standards, S. 1513 would give schools more decisionmaking authority over their title I funds in return for greater responsibility for student performance.

For example, S. 1513 would allow more schools to operate schoolwide programs with their title I funds. Since research shows student achievement is adversely affected in schools with 30 percent and above poverty rates, S. 1513 would reduce the poverty requirement for schoolwide programs from 75 to 30 percent, which is a realistic position to take.

Most schools that do not meet the 75-percent poverty requirement currently serve their title I eligible children through pull-out programs that promote remedial skills. By lowering the poverty threshold to 30 percent and giving the schools more decisionmaking authority over their title I funds, the new 30 percent requirement would encourage schools to challenge all of their students to achieve high skills rather than remedial skills. It would also discourage them from pulling title I eligible students out of regular classrooms. Eligible schools choosing to operate schoolwide programs would still be required to disaggregate their data on student progress to determine whether title I students are benefiting from the schoolwide programs.

But it is a great way, I think, Mr. President, to mainstream title I students and to give title I students the opportunities to learn by being put in with the rest of the program and the rest of the students.

Mr. President, in light of the fact that it is 12:35—I appreciate the Senator from Massachusetts allowing me to continue.

I would like to make the rest of this statement, but I fear it will take more than 5 minutes. What I would prefer and what I think will be appropriate at this point—again, given the wishes of the Senator from Massachusetts—I will be willing to come back and proceed at a later time in behalf of this bill.

To conclude my remarks now, I simply say this is a step in the right direction. I applaud the Senator from Rhode Island and the Senator from Massachusetts for their leadership in this area. There are certain specifics about this bill I will speak to directly, because I support so many of the specific initiatives in this legislation. But I would just like to commend them for demonstrating the leadership and the awareness and sensitivity to the fact that Federal support for education is something that as a nation we all have an obligation to support. As we go forward and focus in on our national interests in elementary and secondary education—which, of course, is where it all starts. If we do not educate youngsters in the grammar schools, we will never have to worry about them being able to perform at college level.

So I think we have an obligation to engage fully at the elementary and secondary level. This legislation is consistent with that approach. It is heading in that direction. It opens some very important doors, and remedies and reforms some important parts of the statutes. I commend the sponsors for their fine work and indicate my support.

I ask unanimous consent to be added, if it is the desire of the manager, as a cosponsor of this legislation.

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

Mr. KENNEDY. Mr. President, I want to express our appreciation to the Senator from Illinois for a very eloquent statement in support of the legislation and pay particular tribute to her for the innovation, in terms of program amendment to this legislation, which she presented to our full committee at the markup and which was accepted. That is to try to bring some focus and attention on the basic deterioration, in terms of the infrastructure, in many of our schools.

This is a particular problem in many of the urban areas of the country. It has been a subject matter that has been debated and discussed for a very considerable period of time. I think the power of the Senator, both in the presentation and logic of her argument and sense of deep compassion for those who are being adversely impacted, carried the day and it was accepted unanimously by our committee. Then she was again sufficiently persuasive to be able to go to the Appropriations Committee and get a substantial downpayment on that initiative. In times of scarce resources, that is a very important addition to this whole process.

Again, it carries forward the essence of this legislation, which is to bring some help and assistance in terms of the neediest students in our country. I think the Senator has, by her own diligence and hard work and continuity, on this issue as in other issues, made a very, very important contribution.

I thank the Senator. I look forward to her interventions as we continue with the debate and discussion. I know there are a number of matters which we will have an opportunity to debate and to take action on during the course of the afternoon and evening, and tomorrow. We certainly welcome her insight into the debate and discussion.

Mr. President, seeing no further colleagues here seeking the floor, in accordance with the wishes of the majority leader, I ask consent we proceed with the earlier recommendation of the leader as modified by my suggestion.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FEINGOLD).

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I wonder whether I can inquire of the manager of the bill whether I might have 10 minutes to speak on the bill.

Mr. KENNEDY. We are under no time limit. We thank the Senator for his active participation in this legislation. We look forward to his comments.

Mr. WELLSTONE. Mr. President, there is so much that I could say. I am going to try to be relatively brief.

This piece of legislation, or education in particular, Mr. President, is dear to my heart. I was a college teacher for over 20 years, and I have seen education really work. I have seen the spark of learning take a child from any kind of background to a life of accomplishment and creativity.

I view education as kind of being the foundation. We have a lot of discussion about how education is key to economic competitiveness. I agree. You have to have a skillful, literate, productive work force. But I think even

more fundamental than that, education is key to a working democracy. We just simply have to have women and men who can think on their own two feet, who understand the world and the country that they live in, who have conceptual tools that will enable them to understand this world and this country and who really are empowered by education so that they, as citizens, can really be full participating members in a democratic society. I just do not think there could be a more important topic or a more important piece of legislation on which the U.S. Senate should be focused.

The Improving America's School Act, S. 1513, does a lot to move us in the right direction. Senator KENNEDY and Senator PELL deserve a tremendous amount of praise for their fine, fine work.

Among other things, the bill provides funds to help disadvantaged students reach the same high standards as all students. It concentrates funds in those areas that need the funds the most. It expands the Eisenhower Math and Science Training Program to support teacher training in all subjects, and it expands the national writing projects to other core subjects as well. That is an amendment that I worked on that I am very excited about, because I have seen as a teacher the way in which these teacher institutes work. It is so important for teachers to have high morale. I have seen when teachers come together for a 1- or 2-week period during the summer and can exchange notes, compare notes, energize one another, build off one another's experience. It is really quite important.

I think this piece of legislation is a step in the right direction. It authorizes $12.5 billion for fiscal year 1995. I might also state that this is only 6 cents on the dollar of what our country spends on education.

So I commend Senator KENNEDY and Senator PELL for their fine work. But I am also really disappointed. I am not disappointed in my colleagues, Mr. President, but I am disappointed in our failure as a nation, with the Senate being part of the Nation, to really invest in children and education. I do not think it is enough just to have the goals and to talk about rigor and to talk about excellence if, in fact, we do not do anything to really change the concerns and circumstances of children's lives so that each and every child, each and every young person is going to have the same opportunity to reach those goals.

Quite frankly, Mr. President, given the huge disparity in resources—again I think of Jonathan Kozol's book, "Savage Inequalities." If I am not mistaken, Jonathan Kozol's facts are something like this. You walk out of the front door of this Chamber, you go downstairs, or just really from the top of the steps, if you look to Bethesda—and this is not an indictment of the people in Bethesda—I think the community has the capacity to spend something like $13,000 per child per year. That is about a mile away in one direction.

If you look to Anacostia, I do not know, it is $4,000 or $5,000 per pupil per year, Anacostia being, in the main, poor children of color, mainly African-American black.

Mayor Schmoke, Mr. President, when he testified before our committee, the Labor and Human Resources Committee, really was eloquent, and I just want to quote:

> I will just start by saying that defending and reinforcing public education has once again become a matter of national security. I say once again because in the early days of the cold war, President Eisenhower cited national security as the justification for the National Defense Education Act.

By the way, Mr. President, now that I think about it, it was the National Defense Education Act that enabled me—and I am sure Senator PELL was probably involved in really the drafting of this legislation—that enabled me to afford my higher education, that enabled me to go into teaching.

Mayor Schmoke goes on, and he pointed to the disparities in his own area, and I quote:

> In Maryland, the difference between what we in the city are able to spend per classroom and what the wealthiest jurisdiction is able to spend is $60,000 per classroom. [$60,000 per classroom.] What does this mean in real terms? It means for us the inability to provide basic supplies and maintenance to the buildings and thus to provide an inviting environment for our young people to stimulate their minds. It means that we have a shortage of supplies and other basic resources. It means for our teachers in particular that we lose our best teachers, those who have 8 to 10 years of experience, to surrounding jurisdictions.

Mr. President, there are those who say, "Well, do not throw money at the problem. I do not think money is the answer."

But I will tell you one thing, adequate resources is the key to recruitment and maintaining good teachers. It is the key to support services. It is the key to good lab facilities. It is the key to textbooks. And just simply building on what the mayor had to say to us, I find it to be just outrageous and unconscionable that children should have to go to schools where the physical infrastructure is decaying, where we still have not done the renovating, where it is still unsafe in terms of asbestos, where it is dreary, where the toilets do not work. When are we going to make a commitment to education and children? This piece of legislation just is but the smallest step forward.

Now, Mr. President, some will say, "But our appropriations committees are under strict budget constraints this year."

I know you, Mr. President, are a Senator who is very focused, and I think justifiably so, on sound fiscal management, on deficit reduction, but once upon a time, Mr. President, we were talking about two deficits. We were talking about a budget deficit, and we were talking about an investment deficit.

It does seem to me that if we are going to continue to find the money for S&L bailouts, if we are going to continue to build the space station, if we are going to continue to find the moneys for B-2 bombers, if we are going to continue to build prisons, and if we are going to continue to find the money for star wars, we ought to be able to do a better job of investing in education and our children. And by the way, Mr. President, Children's Defense Fund pointed out that every 5 seconds a child drops out of school in the United States of America.

I would like to point that out again. Every 5 seconds, a child drops out of school in the United States of America.

Mr. President, I had a judge from Minnesota, Hennepin County district judge, who sent me a copy of a report, and the statistic I remember is that there is a higher correlation between high school dropouts and incarceration, being in prison, than between cigarette smoking and lung cancer. We are talking about the need to reduce violence. If every 5 seconds a child is dropping out of school in this country, then we ought to start examining why children are dropping out of school and we ought to start making a commitment of resources to do something about it.

Another witness at these hearings was Representative BECERRA from California and I wish to quote. He said:

> The United States now ranks 13th among the 23 wealthiest industrialized nations in public spending on education. We need to shift the paradigm, and we need to begin working toward providing children with the resources they require based on their relative need. We would define equity as the allocation of funding to meet individual education needs, not just matching dollar amounts for students in poor and wealthy districts. This is what makes the issue of opportunity-to-learn standards so critical. If we cannot agree on the measurement of what a school must input in order for students to succeed, how can we establish national standards to determine the students' level of success?

Mr. President I have to tell you, I met with a group of 20 educators today in my office—they just happened to be here—counselors, teachers, principals. Every single one of them said—it surprised me. I said to them, "Please tell me if I am wrong." Then I went on to say to these educators, "I am really discouraged because we keep focusing on these national standards but I do not see the commitment of resources to make sure that children in our country have the same opportunity to reach those standards. I feel as if the emphasis has become on rigor and we are not dealing anymore with the whole issue of equality of opportunity."

All of them agreed. They want to see rigor; they want to see higher academic standards. They think it is important not to give up on that. They do not see them as being mutually exclusive goals, I would say to my colleague from Connecticut, but each and every one of them said to me there is no way that a lot of the children that we teach are ever going to be able to succeed, not given the inadequate resources we have to look at, not given the failure to fund early childhood development, not given the failure to fund child care.

They said it even goes further than that. And they argued women expecting children have to have an adequate diet in the first place.

I just had a grandson yesterday. I would like to see every child born in the same way my grandson was born, with a real opportunity to be everything he or she can be. But I know that my daughter-in-law had an adequate diet. I know that they could afford that. But a lot of women cannot. And the children that are born are not going to be all they can be.

When are we going to make a commitment to children? When are we going to make a commitment to early childhood development? When are we going to make a commitment to education? We have reports of a decade ago, it seems way to me, of a "nation at risk." Well, if the Nation is at risk, and we are talking about national security, why do we not start investing in the health and skills and intellect and character of young people? We do not need as much for S&L's. We do not need star wars. We do not need the B-2. We do not need the space station. Let us invest more in education and children.

So, Mr. President, I said I would not speak too long. This is not an amendment. I think an amendment that would attempt to transfer funds or to spend more money would not succeed. And I know my colleagues are operating within budget constraints. I know that Senator PELL and Senator KENNEDY have done all they can to bring a good piece of legislation to the floor.

Mr. President, this piece of legislation takes steps in the right direction. I am going to support it. I am proud of what they have done. But I wish to go on record today in saying we can do much better, and I hope soon we will.

I really believe that what candidate Bill Clinton talked about—the investment deficit has been put in parentheses—I really believe that all these issues of race, gender, and poverty, and children, and opportunity, and how to reduce violence, and how to do it at the community level, and how to invest in education, and how that can be part of national security—I feel there is a huge disconnect between the words we speak and the legislation we introduce.

I hope that during my tenure in the U.S. Senate we will end up doing it much more. I will tell you one thing—and I am not doing it to ingratiate myself to him—I look forward to working with Senator DODD, who is very committed, along with Senator KENNEDY.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

## UNAUTHORIZED DEMONSTRATIONS

Mr. MITCHELL. Mr. President, I was advised a few moments ago that an unauthorized demonstration took place in the Capitol a short time ago, and I want to make clear to all concerned that the laws, rules, and regulations governing demonstrations in the Capitol and in this Chamber will be enforced. We are a country in which the speech and assembly and protest of every citizen is protected. But such rights must be exercised in a lawful and orderly manner so as not to infringe upon the rights of others.

Demonstrations on the Capitol grounds require a prior permit and participation in specific, designated locations. Every Senator knows they are a commonplace event. One of the places most frequently used for such demonstrations is right outside my office window. And so almost every day I observe and hear lawful demonstrations occurring. That is appropriate and as it should be. But we will not tolerate any demonstrations which occur in an unlawful manner and which infringe upon the rights of other persons. The law prohibits it.

The United States Code sets forth the legal requirements with respect to such matters, and I want it clearly understood by all concerned that so long as I am majority leader, the law will be enforced. No persons are authorized to take the law into their own hands to conduct demonstrations as they see fit. Many persons hold strong beliefs on various subjects. The depth of one's conviction is not a sufficient basis for acting in an unlawful and unauthorized manner, because other Americans may have equally deep convictions to the contrary.

So everyone is, of course, welcome to our Nation's Capitol. All are encouraged to make their views known. And those who wish to conduct a demonstration are invited to do so, but all in a manner consistent with law and regulations and prior practice.

So I make this statement so there can be no misunderstanding on anyone's part with respect to such demonstrations. We welcome everyone's point of view, but we welcome it in an appropriate way.

I have instructed the Sergeant at Arms to make the Capitol Police aware and to inform all those who come into the Capitol that we will not tolerate unlawful demonstrations and the law and regulations will be enforced properly.

I thank my colleagues for their attention and consideration.

I yield the floor.

## IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. DODD] is recognized.

Mr. DODD. Mr. President, I rise to express my support for the Elementary and Secondary Education Act, the legislation which is presently before us.

Before engaging in some formal remarks, Mr. President, let me, at the outset, commend the principal authors of this legislation and those who are principally responsible for bringing this bill to the floor today.

The chairman of the Labor and Human Resources Committee, Senator KENNEDY, has once again demonstrated with this legislation his deep commitment to the education of all children in this country, be they from rural communities or highly populated urban centers. He has been involved in these issues for several decades, and this piece of legislation is yet another example of that commitment.

CLAIBORNE PELL, our colleague from Rhode Island, of course, has been known for many accomplishments during his tenure in the Senate, but one of his principal achievements over the years has been his leadership in the area of education. In fact, for many years, our former colleague, Senator Stafford of Vermont, who was at various times either the ranking minority member or the chairman of the subcommittee, would often talk about the firm of Stafford and Pell, or Pell and Stafford. Together, they were responsible for many of the very innovative and thoughtful initiatives in the area of education.

Senator KASSEBAUM has now become the ranking minority member, and her work with Senator KENNEDY has enabled us to bring such a strong, balanced bill to the floor. It passed the Labor and Human Resources Committee by a vote of 16 to 1, demonstrating the kind of cooperation and bipartisanship we were able to achieve on legislation that has sometimes been the source of significant division.

Last, but not least, credit must go to our colleague from Vermont, Senator JEFFORDS, who is the ranking member on education issues and is deeply committed to all aspects of the educational needs of children in this country. He has carried on the remarkably fine tradition of Senator Stafford. I do not know if it is the water of Vermont or the air, but our neighbors to the north of Connecticut have historically brought a tremendous commitment to education when they come to the U.S.

Congress. JIM JEFFORDS is carrying on that tradition in its finest form, and I commend him as well. I have enjoyed working with him on the committee on a number of initiatives. I think both of us would agree that the one in which we take the greatest amount of pride, and on which we will continue to fight, is the issue of achieving a greater commitment to education in our Federal budget—a commitment to meeting the overall educational needs of our citizens, beginning with early childhood development, extending through elementary and secondary and on up to higher education.

He and I, along with Senator WELLSTONE and Senator SIMON of Illinois, have been trying over the last year or so, through a number of hearings, to build some support for the notion of increasing our commitment—that is, the Federal Government's commitment—to the education of Americans by 1 percent a year, to a grand total of 10 percent of the budget.

The high-water mark for the Federal Government's spending in education occurred in the administration of Richard Nixon, when 6 percent of the Federal budget was committed to education. That number has dropped consistently over the last 20 years. We are now hovering at around 2 percent of the Federal budget, overall, as a commitment to education. I suspect that number startles people, who would assume that a far greater percentage of their Federal budget was committed to the education of Americans. Yet, it is, I think, a source of some embarrassment that such a small fraction of our budget is committed to that. We are determined to try to raise that by 8 percent over the next 10 years, to 10 percent. We spent about 13 or 14 percent just on the interest payments on the Federal deficit, about 23 percent on the defense of our Nation, about 50 percent on entitlements, if you will, roughly. While 10 percent is hardly in the range of these figures, we believe it is critical and will continue to work together to move this initiative forward.

But today, Mr. President, as I said, I want to extend my congratulations to these Members, both Republicans and Democrats, who have made it possible for us to arrive at this particular juncture with this critical bill.

Obviously, there will be a lot of amendments, I suspect, being offered over the next day or so on this bill. We welcome those amendments. Some good ideas may be forthcoming. I assume those ideas would be incorporated in the bill. There may be some on which there will be a legitimate differences to debate, but this too is an important part of the process.

Nevertheless, I am pleased to have arrived at this moment in the Senate. We are going to shortly engage in debate on health care and try to increase access and reduce costs to all Americans. That debate will attract a significant amount of attention, as it should, in this country.

I suggest this afternoon, while this debate and this particular bill may not evoke the same degree of interest either from the media or others, that the education of Americans from their first up until their last days is something that all of us ought to recognize as critically important. In fact, I would argue, it is the single most important issue facing this country.

So, for those reasons, Mr. President, I rise in strong support of the legislation before us this afternoon to reauthorize the Elementary and Secondary Education Act.

As I said, we debate many, many issues here in the U.S. Senate, but very few, in my view, touch the lives and futures of Americans as directly and as poignantly as education does. Few issues that we debate here are so intricately linked to who we are as a people.

President Lyndon Johnson said three decades ago, and I quote him:

> At the desk where I sit, I have learned one great truth. The answer for all of our national problems—the answer for all the problems of the world—comes to a single word. That word is "education."

Mr. President, that was true 30 years ago, and it is certainly true today. To take just one example, there is no question that there is a connection between education and crime. I have recently focused a great deal of my time and effort on youth violence. And I have learned that there are no easy answers to that issue once kids become involved in violence and crime; it is very difficult to change course and direction. The solution to this, in my view, and to so many of our other problems, must come far earlier. Children must have parents who will love and nourish them, role models to respect, activities to fill hours of the day, and an education to provide them with the opportunities and hope for the future.

The bill we are considering today—the Improving America's Schools Act—seeks to provide that opportunity and hope for millions of needy children all across this land.

For too many of these children, the promise of access to a quality education has become little more than a cruel hoax. For thousands of American children, there are no books, there are no regular teachers, and there are no safe classrooms. Education is supposed to open doors for these young people, but for far too many of them those doors remain tightly barred.

With this legislation, let us hope that we can begin to throw those doors open wide once again.

Among all the important components of this bill, Mr. President, I am especially encouraged by its restructuring of the title I program to establish high standards for all children and to target resources toward the neediest communities and children in this land.

We all know that Federal resources are quite limited. That is obviously something that everyone of us has to deal with every day, regardless of the bill before us. The Federal contribution, however, to elementary and secondary education last year was just over 6 percent with the balance coming from State and local sources.

Mr. President, I will continue my efforts to increase our commitment to education at the Federal level. But while the Federal share of education expenses remains so small, it is especially critical that we target that money on those who need it most in our land. That is what this bill attempts to do.

In the past, Federal title I dollars have flowed to 95 percent of our school districts, greatly restricting the program's impact. The obvious reason for that is, with every district receiving funding, political support for the title I program is stronger. But the fact of the matter is when you spread those resources out to some school districts which have very few needs financially you dilute the impact of those dollars into those communities that need the resources the most. This bill would better concentrate our limited dollars toward schools that, in fact, do need the resources the most.

By supporting these schools, Mr. President, we also send, I think, a very important signal to States and school districts regarding educational spending. Last summer and fall, the Education Subcommittee held a series of hearings on the vexing issue of school finance and the inequities that plague so many of our States and schools.

This is a very difficult issue. It has defied resolution, despite countless hours of hearings, discussion, debate, and the commitment of knowledgeable people to work on and think about this issue.

Funding for our schools is mostly local, and it varies widely depending on the wealth of the local community. Widely varying levels of funding lead to widely varying levels of quality. That is an absolute given.

This situation strikes many people as fundamentally unfair. It does not seem right that two children who live but a few blocks away from each other could receive greatly different educations, all because of variations in their respective communities' property tax bases.

This is an issue, Mr. President, that is receiving, thankfully, more and more attention. All across the country, State legislatures, local communities, and the courts are struggling to develop finance systems that are more fair.

While our hearings did not produce a magical silver bullet, it is clear from those hearings that the Federal Government can help States trying to find

more educational equity, and this bill does just that, not to the fullest extent that I would like to see or that some of my colleagues here would like to see, but it clearly moves us in that direction. The formula for the distribution of title I dollars provides an incentive for States that are making a substantial investment in the education of their children and also for those States that have less variation in spending between school districts. In this way, Mr. President, we would reward those States that have responsibly addressed this critical issue, and that is as it should be.

I was pleased to work with my colleagues on the Labor Committee to craft several other important initiatives in this bill. Allow me to mention a few of them.

The committee adopted an amendment that I offered to include a successful and innovative new program in title I of the bill, and that is what we call the transition to success program. This program would encourage parental involvement and coordinated social services to help young children and their families make a smoother transition from preschool or home to kindergarten and beyond. These early years are absolutely critical for later success in school, and parental involvement needs to be expanded.

Let me just cite, if I can, one statistic that I think makes the point very clearly. Parental involvement in Head Start programs and in pre-kindergarten programs is roughly 82 percent. That is 82 percent of children in these preschool programs have significant parental involvement in their program. That is parents coming to the school, parents participating in programs that these preschool programs provide, parents volunteering in classrooms.

Yet once that child moves to a school-based kindergarten program, parental involvement drops to roughly 30 percent and then continues to decline as that child moves through the elementary school grades.

So we have a significant involvement at the preschool level, and then it literally drops precipitately once that child moves into the traditional elementary school years.

It seems to me that all of us appreciate the value of significant parental involvement. What this new program will do is support imaginative and creative ways of encouraging continued parental involvement. Where parents are involved in the education of their children, not just as homework, not just in encouragement around the dining room table, but actually going to and participating in the education of their children at these schools and helping to dramatically increase the success rate of these children.

Mr. President, we also in this bill have refined the Safe and Drug Free Schools and Communities Act. It is very clear, in my view, that children are not going to learn and teachers cannot teach when they are afraid. Language that I have offered in this bill clarifies that all eligible schools can now be assured of support for proven violence prevention tools, such as conflict resolution, peer mediation and after-school activities.

The committee also adopted an amendment that I offered providing new support for local schools' character education programs designed to get at the roots of violence, drug and alcohol abuse, and other discipline problems by teaching children about honesty, responsibility, respect, trustworthiness and civic virtues.

Mr. President, let me add, that I do not believe, under the best of circumstances, that we would be asking schools to do this. These are things that parents ought to be doing with their children. These basic values ought not to necessarily become the responsibility of your teacher.

And yet, tragically, we know in far too many cases these children are coming to school without the kinds of role models, the love, the nurturing, and the guidance that they should be getting at home. And so these character issues are critically important.

I would mention here that my colleague from New Mexico, Senator DOMENICI, who has spent a great deal of time on these issues, and I have an amendment that we will offer that will strengthen the support this bill offers to encourage more of these ideas being incorporated in the seamless garment of a child's education.

The one thing I know of that makes it hard for kids to learn and teachers to teach is violence. And it is becoming a daily reality in too many of our schools. It is estimated that some 130,000 children bring a gun to school every day in America, and that one out of five children are bringing a violent weapon to school every single day. Most of them are doing it not because they intend to cause violence, but because they are just gripped with fear.

I have a sister who teaches at the largest inner-city elementary school in the State of Connecticut. She will tell you, even at the earliest stages, these children fear to come to school. The fear of violence and being harmed is significant, and does impact on their ability to learn.

These teachers, who are asked to provide basic guidance, have to worry every day about whether going to school is going to bring them within the reach of violence. It is a tough job. But when you have to teach in an environment where you fear bodily harm, where your life may be in jeopardy, then we ought to be doing what we can to eliminate those problems.

So the safe schools and drug-free schools part of this bill is also critically important.

Mr. President, building upon the strong parental involvement initiative offered by the administration, I also added to this bill a provision to ensure that parents have a number of additional tools to increase their participation in their children's education, including opportunities to volunteer in their child's classroom. Improving the structure and system to encourage parental involvement is absolutely critical to our efforts to improve the achievement of America's students and I think everyone agrees with that. The language we have offered here I think will help us achieve that goal.

The committee, Mr. President, also reported a number of other important provisions. Working with Senator SIMON, we were able to restore the Foreign Language Assistance Program in this bill. Language is also included that restores authority for a National Center for Gifted and Talented Education in this country. We also clarify that consortia of local districts are eligible for funding under the Magnet Schools Program, where there are regional efforts to address segregation.

Mr. President, there is much, I think, we can be proud of in this bill. It tackles head-on the No. 1 issue challenging our Nation—the need to adequately educate the next generation of Americans.

No generation will be as challenged as the present one in our school systems. They will have to be better prepared and better educated than any other generation in America's history. It is our job here in this body and in the public sector to see to that they are ready to meet the challenges of the next century.

It is not our exclusive responsibility, of course. Certainly, local school districts and States have to play a major role in fashioning the educational programs for these Americans, and the private sector, as well as average citizens, can play a critical role in helping us improve the educational system of this Nation.

So all of us bear a responsibility to try to see to it that the educational system of our Nation meets the demands that this generation and future ones will face.

For those reasons, Mr. President, I strongly support this legislation. It gives us a valuable blueprint for success. I urge all of our colleagues to read the bill, to focus on the major provisions, and to offer us their support so that we can collectively—in a bipartisan way, as we did coming out of our committee, as I mentioned earlier, by a vote of 16 to 1—make a strong bipartisan commitment to the elementary and secondary education needs of America's children.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I am glad Senator DODD is on the floor.

Might I inquire of the distinguished Senator from Connecticut, I understand that he might have to be at another meeting shortly.

Mr. DODD. I do. But I would be more than happy to stay here. Whether we get started in the meeting will not depend upon my presence. I am sure I can find out what happened there at the appropriate time.

I think the chairman would like to start moving amendments. If that is the case, I am prepared to stay here and work with you.

Mr. DOMENICI. Mr. President, I say to the Senator, they are going to accept our amendment on trying to fund some centers for character education and local partnerships, and we are going to present it now.

AMENDMENT NO. 2414

(Purpose: To establish a grant program for the design and implementation of character education programs)

Mr. DOMENICI. Mr. President, on behalf of myself, Senator DODD, and Senator MIKULSKI, 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 New Mexico [Mr. DOMENICI], for himself, Mr. DODD, and Ms. MIKULSKI, proposes an amendment numbered 2414.

Mr. DOMENICI. 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 1035, between lines 11 and 12, insert the following:

**"PART P—PARTNERSHIPS IN CHARACTER EDUCATION PILOT PROJECT**

**"SEC. 8901. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—The Secretary is authorized to make up to a total of 10 grants annually to partnerships of State educational agencies and local educational agencies for the design and implementation of character education programs that incorporate the elements of character listed in section 8904, as well as other character elements identified by applicants.

"(b) MAXIMUM AMOUNT OF GRANT.—No State educational agency shall receive more than a total of $1,000,000 in grants under this part.

"(c) DURATION.—Each grant under this part shall be awarded for a period not to exceed 5 years, of which the State educational agency shall not use more than 1 year for planning and program design.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 $6,000,000, and such sums as may be necessary for each fiscal year thereafter to carry out this part.

**"SEC. 8902. STATE EDUCATIONAL AGENCY APPLICATIONS.**

"(a) REQUIREMENT.—Each State educational agency desiring a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PARTNERSHIPS.—Each State educational agency desiring a grant under this part shall form a partnership with at least one local educational agency to be eligible for funding. The partnership shall—

"(1) pursue State and local initiatives to meet the objectives of this part; and

"(2) establish a character education clearinghouse at the State level to make information and materials available to local educational agencies.

"(c) APPLICATION.—Each application under this part shall include—

"(1) a list of the local educational agencies entering into the partnership with the State educational agency;

"(2) a description of the goals of the partnership;

"(3) a description of activities that will be pursued by the participating local educational agencies, including—

"(A) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program;

"(B) curriculum and instructional practices;

"(C) methods of teacher training and parent education that will be used or developed; and

"(D) examples of activities that will be carried out under this part;

"(4) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs;

"(5) a description of how the State educational agency will evaluate the success of local programs and how local educational agencies will evaluate the progress of their own programs;

"(6) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing programs;

"(7) a description of how the State educational agency will establish a clearinghouse for information on model programs, materials, and other information the State and local educational agencies determine to be appropriate;

"(8) an assurance that the State educational agency will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(9) any other information that the Secretary may require.

"(d) NON-PARTNER LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that was not a partner with the State when the application was submitted may become a partner by submitting an application for partnership to the State educational agency, containing such information that the State educational agency may require.

**"SEC. 8903. EVALUATION AND PROGRAM DEVELOPMENT.**

"(a) REQUIREMENT.—Each State educational agency receiving a grant under this part shall submit to the Secretary a comprehensive evaluation of the program assisted under this part, including the impact on students, teachers, administrators, parents, and others—

"(1) by the mid-term of the program; and

"(2) not later than 1 year after completion of such program.

"(b) CONTRACTS FOR EVALUATION.—Each State educational agency receiving a grant under this part may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating their program and measuring the success of the program toward fostering in students the elements of character listed in section 8904.

"(c) FACTORS.—Factors which may be considered in evaluating the success of the program may include—

"(1) discipline problems;

"(2) students' grades;

"(3) participation in extracurricular activities;

"(4) parental and community involvement;

"(5) faculty and administration involvement; and

"(6) student and staff morale.

"(d) MATERIALS AND PROGRAM DEVELOPMENT.—Local educational agencies, after consulting with the State educational agency, may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for assistance in developing curriculum, materials, teacher training, and other activities related to character education.

**"SEC. 8904. ELEMENTS OF CHARACTER.**

"(a) IN GENERAL.—Applicants desiring funding under this part shall develop character education programs that incorporate the following elements of character:

"(1) Caring.

"(2) Civic virtue and citizenship.

"(3) Justice and fairness.

"(4) Respect.

"(5) Responsibility.

"(6) Trustworthiness.

"(7) Any other elements deemed appropriate by the members of the partnership.

"(b) ADDITIONAL ELEMENTS OF CHARACTER.—A local educational agency participating under this part may, after consultation with schools and communities of such agency, define additional elements of character that the agency determines to be important to the schools and communities of such agency.

**"SEC. 8905. USE OF FUNDS.**

"Of the total funds received by a State educational agency in any fiscal year under this part—

"(1) not more than 30 percent of such funds may be retained by the State educational agency, of which—

"(A) not more than 10 percent of such funds may be used for administrative purposes; and

"(B) the remainder of such funds may be used for—

"(i) collaborative initiatives with local educational agencies;

"(ii) the establishment of the clearinghouse, preparation of materials, teacher training; and

"(iii) other appropriate activities; and

"(2) the remaining of such funds shall be used to award subgrants to local educational agencies, of which—

"(A) not more than 10 percent of such funds may be retained for administrative purposes; and

"(B) the remainder of such funds may be used to—

"(i) award subgrants to schools within the local educational agency; and

"(ii) pursue collaborative efforts with the State educational agency.

**"SEC. 8906. SELECTION OF GRANTEES.**

"(a) CRITERIA.—The Secretary shall select, through peer review, partnerships to receive grants under this part on the basis of the quality of the applications submitted under section 8902, taking into consideration such factors as—

"(1) the quality of the activities proposed by local educational agencies;

"(2) the extent to which the program fosters in students the elements of character;

"(3) the extent of parental, student, and community involvement;

"(4) the number of local educational agencies involved in the effort;

"(5) the quality of the plan for measuring and assessing success; and

"(6) the likelihood that the goals of the program will be realistically achieved.

"(b) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this part in a manner that ensures, to the extent practicable, that programs assisted under this part—

"(1) serve different areas of the Nation, including urban, suburban, and rural areas; and

"(2) serve schools that serve minorities, Native Americans, students of limited-English proficiency, and disadvantaged students.".

Mr. DOMENICI. Mr. President, and fellow Senators, I rise today to introduce a measure which we choose to call Partnerships in Character Education Pilot Project.

Mr. President, Theodore Roosevelt once noted that "To educate a man in mind and not in morals is to educate a menace to society."

Now, I am sure he was totally right, but the bill before us goes a long way toward ensuring that our students have the resources and the opportunities necessary to learn the essentials of math, science, reading, and writing. It makes good progress toward ensuring our schools are safer and more progressive relative to rapidly advancing technologies.

As we educate our children in mind and ensure that they master modern technologies, we can also offer another element, the element of character education.

So for those who say, "Let's have reading, writing, and arithmetic emphasized," again, I suggest we have to add something to it now for the foreseeable future in America, and that is character education.

The amendment which I sent to the desk on behalf of myself, Senator DODD, and Senator MIKULSKI establishes a very small grant program so that State education agencies, in partnership with local education agencies, can develop character education programs.

And I stress, none of this will be developed at the national level; none of it will be developed by the Secretary of Education; but, rather, in partnerships between State education agencies and local education agencies. Thus, it will involve the grassroots participants in educating our young people across the land.

So I want to emphasize one more time that these programs are partnerships. If the grant is awarded, it will only be because there is a partnership between the local education agency—and they are authorized to consult and work with parents, school authorities, and community leaders to craft programs that best meet the community's concerns. These local agencies will be working at the community level and will work with the State education agencies to form partnerships for the purpose of developing, implementing, and evaluating character education programs.

We do not believe Congress wants to be prescriptive as to what constitutes good character or character education, because we believe the States and local education agencies in conjunction with parent organizations and the community will develop what is best for their needs. Therefore, we allow these partnerships to identify the elements they believe meet their needs and to lend direction to the kinds of elements we support. And we have added the elements as identified in the 1992 Aspen declaration as accepted by the Senate, in Senate Joint Resolution 178, National Character Counts Week.

These elements that we believe lend direction to character education are: caring, civic justice and citizenship, justice and fairness, respect, responsibility and trustworthiness. And we have added as a sixth: And any other element deemed appropriate by the members of the partnership.

So it is not exclusively the Aspen-declared six, but rather any others related to it that in fact the partnership which I have just described, the local grassroots partnership, determines. We have included these because they provide uniformity of some elements for evaluation purposes and because they have national, wide-based acceptance by millions of Americans, scholars, educators, parents, communities, and national youth organizations. Therefore, under title VII, Programs of National Significance, a section which authorizes programs such as art education, civic education, blue ribbon schools—we have included these new grant programs.

This pilot program will allow up to 10 grants for these character education partnerships, I say to my friend from Connecticut, whose assistance I greatly appreciate and whose support, both on the committee and here on the floor—and there we did the joint resolution to call the attention of the nature of these—I deeply appreciate and acknowledge.

I know many schools in America are already beginning to develop character education programs. This pilot program will give schools an opportunity to work with their local and State agencies to build upon their efforts and to pass on their experiences, materials, and training courses through the establishment of an information and materials clearinghouse at any State's level. I know these programs are working well even though they are in their infancy, and I know they will have problems as they move from infancy to adulthood. Nonetheless, I believe we should get started.

Particularly, I might mention, in Albuquerque, NM, our Albuquerque school board adopted a resolution to begin the development of character education in some or all of its schools. There is a great school there called Bel-Air, and they have already successfully established an education program that involves these six elements of character. They believe, after less than 1 full year, that significant, positive changes have taken place as a result of the program.

I said to my friend from Connecticut, we will bring evidence that after less than 1 year—almost a year—there is a noticeable change in this great school that took one element per month and inculcated it in the curriculum and talked about responsibility for 1 month, talked about caring for 1 month, et cetera.

Teachers noted a marked improvement in discipline, saying there were fewer discipline referrals. They also thought that working relationships between students had improved, as student-teacher working relationships had improved, and even teacher-to-teacher relationships.

I might indicate, I was privileged to attend the teachers' assembly early one morning before their full assembly, when they worked together to produce a 2½-hour program on these elements for an assembly. The teachers were excited. They felt much more a part of what was going on in the school as a whole. And the following were results: Standardized test scores went up among third and fifth graders. While the cause of this is not absolutely clear, many teachers attribute a better learning atmosphere as a factor. And 87 percent of the fourth and fifth graders thought that peer behavior had improved; 65 percent thought their own behavior had improved; and 98 percent of the parents thought the program was worthwhile.

All of which was done as a result of this 1 year's effort at this one grade school; 72 percent of the parents said their children had discussed the issues at home, in answering a questionnaire. That is a rather remarkable percentage.

All of this came from surveys sent home to all parents of students at the school, all of which was voluntary. Nobody ordered it and nobody said you must do it.

There are many character education organizations which are successfully working with schools, with parents, and with communities to develop and implement character education programs. I have received materials from organizations and I am very impressed with their fine work. I would like to name just a few: the Character Education Institute; the Character Counts Coalition; the Jefferson Center for Character Formation; the Character

Education Partnership; the Community of Caring, a project of the Joseph P. Kennedy, Jr. Foundation.

Character education is something we should support. It will not always be easy, but now is the time to lend a slight bit of support for some pilot programs so we might measure it better and engage those who want to do this with a little bit of resources here and there to encourage them and help them on the way.

Since I was brought into this effort by the efforts of a Character Counts Coalition, one of those that I mentioned, that was cochaired by former Representative Barbara Jordan and conservative actor Tom Selleck, I close with a statement from Barbara Jordan, very brief but to the point. This is her statement about this issue.

You are for responsibility, you are for caring, you are for fairness, you are for good citizenry. So why do we need a coalition to talk about something that everybody agrees on? We need it because we have neglected our commonality. We have neglected the things we share in common. There is no partnership here, which makes it beautiful. There is no ideological tension here, which makes it beautiful.

Are we trying to replace the family? We're not crazy. The family remains the first line of defense in teaching morals and values. The church? Are we trying to preempt the church? Of course not, we've got church people joining in this coalition.

What we are saying is that for too long there has been a reluctance to talk about teaching values. You don't want to teach values because you say "No, no, no. That is interfering with someone's conscience. That is interfering with a system of beliefs. That is proselytizing." We're not going to do that. The way that we can get on top of some of the problems which plague us so is to decide that we are not going to be reluctant about telling people what's right and what's wrong and what's expected and what's civilized and what's uncivilized.

We are going to make character the number one call of young people in this country. They are going to think before they act because they will know there are consequences. We are responsible for making sure that young people know what is expected of them in the total civilized community of humanity.

Mr. President, I ask unanimous consent the quote from Barbara Jordan be printed in the RECORD.

I yield the floor.

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

[Adapted from remarks made by Prof. Barbara Jordan on October 8, 1993, in Washington, DC, at a press conference announcing the kick-off of the Character Counts Campaign]

Crisis is an overworked word, but I really do believe that there is a crisis of values. A deficit in values. We are plagued by young people who seem to have a disregard for human life as evidenced by the number of drive by shootings. If a person has respect for others, if a person values life, then you don't have life being snuffed out as if it were trivial. This character coalition is something that no one is going to disagree about.

You are for responsibility, you are for caring, you are for fairness, you are for good citizenry. So why do we need a coalition to talk about something that everybody agrees on? We need it because we have neglected our commonality. We have neglected the things we share in common. There is no partisanship here, which makes it beautiful. There is no ideological tension here, which makes it beautiful.

Are we trying to replace the family? We're not crazy. The family remains the first line of defense in teaching morals and values. The church? Are are trying to preempt the church? Of course not, we've got church people joining in this coalition.

What we are saying is that for too long there has been a reluctance to talk about teaching values. You don't want to teach values because you say "No, no, no. That is interfering with someone's conscience. That is interfering with a system of beliefs. That is proselytizing." We're not going to do that. The way that we can get on top of some of the problems which plague us so is to decide that we are not going to be reluctant about telling people what's right and what's wrong and what's expected and what's civilized and what's uncivilized.

We are going to make character the number one call of young people in this country. They are going to think before they act because they will know there are consequences. We are responsible for making sure that young people know what is expected of them in the total civilized community of humanity.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me at the outset commend my good friend and colleague from New Mexico for his leadership on this issue. I am very pleased and proud to be a principal cosponsor of this amendment.

We have had an opportunity to meet and talk with a number of people who have been involved in this particular question. The bill itself, as I noted earlier, incorporates some of these ideas already, but I think this amendment significantly strengthens Federal support for character education. So I commend him for his efforts and, again, have enjoyed working with him immensely on this question. Our colleague from New Mexico, Senator DOMENICI, has very eloquently described the value of this amendment and why it is important. I think, the basic question that many ask is simply: Why character education?

I suggested earlier that, I suppose, in an ideal world, the parents would be doing this before children even got to school and throughout the education of their children. Regretfully, that does not happen in as many places as it did only a few short years ago. This particular amendment, I think, makes a significant contribution to meeting this challenge.

Fundamentally, this bill is about making America a better place by helping to ensure that all children learn and achieve at the highest levels. But it is not just about making better, more knowledgeable individuals, it is also about strengthening the fabric of our society. That is what is at the very core of the bill in front of us.

The very premise, Mr. President, of our democracy—the people's ability to govern themselves—hinges on good education and good character. That is what our democracy depends upon. We cannot be ignorant of the knowledge of the world, nor can we be ignorant of the common values that bind us together as a people. This bill is about nurturing the character, as well as the mind.

Character education itself—the word, the phrase—raises eyebrows. But if you believe that children should be taught trustworthiness, respect, responsibility, fairness, caring, and citizenship, then you believe in character education. And that is what this amendment does.

These are not revolutionary or controversial concepts, Mr. President. They transcend individual religions and philosophies. They are also almost universally accepted.

A recent Phi Delta Kappa-Gallup poll asked adults whether certain principles should be taught in schools. Let me share, if I can, with our colleagues the results of that survey.

I also ask unanimous consent to print in the RECORD an article which appeared in the Wall Street Journal that goes over these numbers.

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

[From the Wall Street Journal]

EFFORTS TO PROMOTE TEACHING OF VALUES IN SCHOOLS ARE SPARKING HEATED DEBATE AMONG LAWMAKERS

(By Rochelle Sharpe)

WASHINGTON.—When Rep. George Miller suggested adding character education to the massive elementary and secondary education bill, several of his colleagues on the House Education and Labor Committee began to snicker.

"Are you serious about this?" GOP Rep. Steve Gunderson of Wisconsin whispered to the California Democrat. After a brief but heated debate, the modest amendment—which called for a national conference and demonstration grants to promote the teaching of such values as honesty, responsibility and caring—was soundly defeated, 23-6. That vote earlier this year marked the seventh time that a character-education amendment sponsored by Ohio Democratic Rep. Tony Hall had failed to make it through Congress.

Only in Washington could teaching children to refrain from lying, cheating or stealing be an issue. Liberals fear the character-education movement may be a backdoor effort to mix religion with public education: Deputy Education Secretary Madeleine Kunin has declined to even hear a briefing on the subject from McDonnell Douglas Corp.'s former chairman, Sanford McDonnell, now chairman of the Character Education Partnership, a nonprofit organization that promotes the concept. Conservatives, meanwhile, fear character education as an attempt to spread political correctness and undermine parental authority.

"I for one, would not tolerate anybody having the presumption to dare to think

they should define who my children are, what their values are, what their ethics are and who in the hell they will be in this world." Rep. Richard Armey, a conservative Texas Republican, argued to the Education and Labor Committee. "The fact is these people don't know my children and the fact is they don't love my children. And the fact is they don't care about my children and the further fact is they accept no responsibility for the outcome * * * and they ought to, by God, leave my kids alone."

Actually, character education has already spread into thousands of classrooms nationwide, where teachers have begun heralding it as a successful way to reduce discipline problems. "Politicians are the last ones to get the message on this issue," say Rep. Hall, who says he's amazed at how little his colleagues knew about the character-education movement. "The whole country is crying out for this."

*Values Judgment—A poll last year asked 1,306 adults whether each of the following values should be taught in the public schools:*

| | *Percentage who agree* |
|---|---|
| Honesty | 97 |
| Democracy | 93 |
| Acceptance of people of different races, ethnic backgrounds | 93 |
| Caring for friends and family members | 91 |
| Moral courage | 91 |
| The golden rule | 90 |
| Acceptance of people who hold different religious beliefs | 87 |
| Sexual abstinence outside of marriage | 66 |
| Acceptance of right of women to choose abortion | 56 |
| Acceptance of homosexuals and bisexuals | 51 |

Source: Phi Delta Kappa/Gallup Poll of attitude toward public schools

In Tyler, Texas, not far from Rep. Armey's district, character education is so popular that the Chamber of Commerce and the police department help reinforce the schools' work. Many schools declare a value of the month, which businesses advertise with signs in store windows or on billboards along the highway. Police officers hand out baseball-style cards featuring their pictures on the front and their favorite value on the back.

The officers give the cards to children when eating lunch with them in school or when they see them on the street. Sometimes, officers riding in squad cars will turn on their sirens and stop children for doing a good deed, giving them a certificate that allows them to enter a school raffle.

Since the program began four years ago, the number of school expulsions and fights have dropped, says Tyler's police chief, Larry Robinson, who organized the project. No parents have complained, adds the chief.

In New York, meanwhile, teachers as well as parents are delighted with the results of the character-education program. "There's a huge difference in school tone and climate," says Linda Costagliola, who teaches sixth grade at Brooklyn's P.S. 3. At nearby P.S. 11, the frequent brawls have virtually disappeared, says Kisha Brown, the program's coordinator. The school had been desperate to regain order in the classrooms, she says, and teaching positive values like respect rather than simply punishing negative behavior appears to work. "This seems perfect for us," she says.

It may be hard to fathom that conservatives and liberals could ever agree on anything that had to do with values. But all over the nation, communities have figured out ways to avoid controversy, mainly by focusing on what values to teach rather than debating whose values are most appropriate.

In the Pattonville School District in St. Louis County, Mo., the committee choosing values decided that if anyone disagreed with a character trait, it would be discarded. They reached consensus on 20 traits, including assertiveness, compassion and discretion. The nearby Parkway School District, meanwhile, chose values by surveying 1,200 members of the community twice. The district spent three years choosing the character traits, defining them and deciding on a character development policy.

The controversy in Washington has much to do with the fact that federal involvement in almost any aspect of education virtually guarantees years of discord. It took Congress five years to pass a bill allowing the creation of national academic standards that will be voluntary. So it should come as no surprise that many lawmakers would view the notion of getting the government near values education as a prescription for a political quagmire.

Phyllis Schlafly, head of the conservative Eagle Forum, argues that it is "ridiculous" for the federal government to play any role in the movement. "No good character-education program is going to be developed with taxpayers' money," she says.

But Mr. McDonnell argues that the federal Department of Education could, and should, give the movement a boost. "Kids in schools are getting values transmitted to them one way or another," he argues, and unless they are taught about values, they get the message that values aren't really that important—or may decide to model themselves on the negative values they see glorified on television or on the streets.

Yet government officials have responded to his arguments mainly with kind words and little action. The department once gave a $530,000 demonstration grant to schools in Mr. McDonnell's hometown of St. Louis and in surrounding counties; ironically, Mrs. Schlafly—who didn't know federal money was involved—says she has no objections to these character-education programs.

But the Education Department has done little else. Especially disheartening, Mr. McDonnell says, was the refusal of Deputy Secretary Kunin to even listen to his presentation. Ms. Kunin, the former governor of Vermont, says she finds character education "interesting work" but possibly "inappropriate" for federal involvement. "Our approach is that this is still the prerogative of the local community and the family," she says. "Our focus is on academics. That's where we see our most urgent needs."

But Tyler's Mr. Robinson, who spent six months studying character education before launching the Tyler program, seems annoyed with Washington's attitude about the movement. "I wonder what the impact would be on congressmen if character-building had been done when they were young," the police chief says.

Mr. DODD. Mr. President, just listen to what American citizens said when asked the question about whether or not some of these character issues ought to be taught in school: 97 percent of the respondents supported teaching honesty; 93 percent supported teaching democracy; 93 percent supported teaching acceptance of people of different races and ethnic backgrounds; 91 percent supported teaching caring for friends and family members; 91 percent supported teaching moral courage, and the list goes on.

Indeed, what Senator DOMENICI and I are suggesting with this amendment is already being done by a number of school districts around the country that have designed and implemented programs of character education. It seems to be working. From Tyler, TX, to Brooklyn, NY, school districts that have implemented character education programs report marked drops in discipline problems, pregnancy, substance abuse, tardiness, and unexcused absences.

The Hyde Leadership Public School in Hamden, CT, is one such effort. While this New Haven satellite school has just completed its first year and is still experiencing birthing pains, it is beginning to show promise with its focus on character education. Students report feeling closer to their parents and having far more confidence.

Let me share, if I can, at this point a letter that I received from the Joseph P. Kennedy, Jr., Foundation from Mrs. Eunice Kennedy Shriver; I received it just yesterday regarding the Kennedy Foundation's particular program. I ask unanimous consent that her letter and the supporting information be printed in the RECORD.

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

THE JOSEPH P. KENNEDY, JR. FOUNDATION,
*Washington, DC, July 26, 1994.*

Hon. CHRISTOPHER J. DODD,
*444 Russell Building, Washington, DC.*

DEAR SENATOR DODD: I was inspired by our conversation yesterday concerning Character Education. As promised, I am sending you some materials about the Community of Caring, a program which has focused my attention on Character Education for the past decade.

The Community of Caring was developed by the Kennedy Foundation initially as a way to reduce teen pregnancy and, thereby, reduce the incidence of mental retardation. The Community of Caring is a values-education program for the schools, grades K–12, focused on teen pregnancy prevention and other destructive behaviors: violence, drugs and alcohol, and dropping out of school. The program enables students to see the relationship between the decisions they make in life and their individual value systems. The students learn how to make values an essential part of life in the home, school, and the community.

Unlike "one-shot" programs, the Community of Caring is not a separate class or curriculum, but rather an integrated part of the existing content in all the various classes offered in the school. The values discussions in the classroom are centered around five core values: respect, responsibility, trust, caring and family, based on universally accepted principles of personal and civic responsibility and the foundation of our democracy.

In addition to the classroom discussions, opportunities are provided throughout the school environment and the community for the students to practice leadership and decision-making skills. The school program has

five major components: training for teachers, values discussions across the curricula, teen forums, parent involvement, and community service. Behavioral science research has long shown that positive attitudes and positive reinforcement lead to improved self-concept, and academic and job performance. The Community of Caring is a positive values education approach, giving students something to strive for, rather than something to run away from.

In summary, the Community of Caring is a tested character education program, and provides opportunities for out of class activities, unifies the school and faculty, involves the parents and community, and provides a sharper focus into the needs of young people. By using the systematic, inclusive positive values approach inherent in the Community of Caring's approach, Community of Caring schools have been successful in reducing destructive behaviors in teenagers, and preventing some of the causes of mental retardation.

The Community of Caring operates in 145 schools nationwide, impacting on 75,000 students. A fact sheet from a nearby school, Armstrong High School in Richmond, Virginia, illustrates typical outcomes for the Community of Caring. Armstrong is an inner-city school where many of the students live in public housing with a single parent heading the household.

To be successful, public and private health and human service agencies, Churches, schools, civic and service organizations and community leaders must all come together to instill a sense of belonging to young people who are at risk of becoming disenfranchised. The Community of Caring has shown a reduction in violence and drug abuse everywhere it is in use. Side benefits, from increased student attendance to reduced teacher absenteeism are also reported. We are constantly told by teachers that teaching is meaningful again, now that they can address character education.

When the community is actively involved in working with schools, other benefits, such as support for schools, recognizing the value of young people, etc. are crucial side benefits.

I am also enclosing the following:

(1) The textbook which is used by schools;

(2) The Teacher's guide for the text;

(3) The "How To Create a Community of Caring School" notebook, used by participating middle and high schools;

(4) The "How to Create a Community of Caring Elementary School", a recently developed program for schools, grades K-6.

I hope that during the creation of the legislative history on Character Education you can reference programs like the Community of Caring which use proven methods to assist young people to grow up in a positive environment, with a reduction in violence and drug abuse.

Thank you for your support of this important program for America's children. Please let me know if I can provide you with any further information.

Sincerely,

EUNICE KENNEDY SHRIVER.

Mr. DODD. Mr. President, I will not read the entire letter at this particular point, but let me share with you a little bit about this program. Its program, the Community of Caring, operates in 145 schools nationwide and has an impact on 75,000 students.

To give an example of what one school has been able to do, Mrs. Shriver gave me some data from the Armstrong High School program in nearby Virginia. It is a success story at a glance.

Pregnancies among ninth graders dropped from 12 in the 1987-88 school year to 1 in 1991-92.

Students promoted to the next grade in 1987, 77 percent, and yet after this character education program, they achieved almost 90 percent, a 13 percent increase in just a few years.

The dropout rate from that school went from 15 percent in 1989 down to a little more than 10 percent in the following year.

Students caught with drugs, alcohol, or weapon at school went to zero in most recent surveys.

Teacher attendance: 5 teachers had perfect attendance rates in 1987-88; 24 teachers had perfect attendance rates in 1991-92.

Mr. President, I ask unanimous consent to print the remainder of this data in the RECORD.

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

ARMSTRONG HIGH SCHOOL'S COMMUNITY OF CARING: A SUCCESS STORY AT A GLANCE

Pregnancies among 9th graders:
- 12 in 1987-88
- 1 in 1991-92

Pregnancies among all students:
- 36 in 1987-88
- 19 in 1991-92

Increases in test scores (percentiles) for same students in 9th grade in 1989, 10th grade in 1990, 11th grade in 1991:
- Mathematics—33rd in 1989, 37th in 1990, 39th in 1991
- Reading comprehension—30th in 1989, 38th in 1990, 39th in 1991
- Science—58th in 1989, 60th in 1990, 61st in 1991
- Social studies—32nd in 1989, 34th in 1990, 42nd in 1991
- Written expression—48th in 1989, 56th in 1990, 59th in 1991

Students promoted to next grade:
- 77.7 percent in 1987-88
- 83.9 percent in 1991-92
- Goal of 87.0 percent in 1992-93
- Goal of 90.0 percent in 1993-94

Students going on to 2-year and 4-year colleges:
- 47.2 percent of Class of 1989
- 48.3 percent of Class of 1990
- 56.1 percent of Class of 1991
- 59.3 percent of Class of 1992

Drop-out rate:
- 14.9 percent in 1988-89
- 10.3 percent in 1991-92

Students caught with drugs, alcohol or weapon at school:
- 0 from 1988 to present

Student attendance:
- 83.6 percent in 1987-88
- 85.9 percent in 1991-92

Teacher attendance:
- 5 teachers with perfect attendance in 1987-88
- 24 teachers with perfect attendance in 1991-92

Prominent graduates:
- Governor L. Douglas Wilder
- Richmond Mayor Walter Kenney
- Richmond School Supt. Lucille Brown
- Max Robinson, first black anchor for network TV, U.S. Circuit Judge Spottswood Robinson, III
- Admiral S. L. Gravely, Jr.

School Address:
- 1611 N. 31st Street, Richmond, VA 23223

School Principal:
- George W. Bowser

Mr. DODD. Mr. President, this is just one example of a small school, a neighborhood school, that as a result of having a program like this has improved. These programs affect the lives of children and teach them how to make a difference. Kids want to learn these things. They sense the importance of character, how it can enrich their lives and make them happier, better people.

So while some may snicker a bit at this, it works. It works. What we are simply asking for here is just a few new resources to support a few pilot programs and bring these ideas to districts that may not have the resources. And the Domenici amendment offers this limited federal support and this chance to communities across the states.

Character education may not be—and I think the Senator from New Mexico would agree—the magical answer to all of our problems out there. It is not. But we believe very firmly and very deeply that by developing good character in our young people, we can make a real difference in the lives of every one of them and their families. The data and statistics that we received just in a few programs around the country indicates that.

So this may not be a large amount, and it is not. We do not think it takes a great deal of resources to get it underway, but the value of it speaks for itself.

I think this amendment will make this a better bill. Again, I commend my colleague from New Mexico and our colleague from Maryland, Senator MIKULSKI, who also joined us as a cosponsor of this amendment. We thank the leadership on the floor for allowing us to bring this up. Hopefully, our colleagues will support this and make an already strong bill, even better, by including these provisions.

The PRESIDING OFFICER. Is there further debate? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I talked with the two managers. It is my understanding that they are going to accept this amendment. For that, I am grateful. I hope nobody thinks we are reinventing anything. The truth of the matter is that I believe most Americans—young, old, middle-aged—all know something has gone wrong in our country, and nobody has the answer. We do not either. But we believe part of the answer is that our society is losing its character.

Way back in Plato's day, he said a country without character is lost. The only way for a country to have character is for its people to have character. That is a truism. That does not have anything to do with America today; it has to do with humans living together in a civilized manner.

I think most would say we know that we ought to have more respect, more responsibility, more trustworthiness, more fairness.

These are the kinds of characteristics or elements of character we are talking about. There are lots of Americans working on it, and we want to lend our hand to trying to be part of understanding it, to spread it more rapidly, to put it into some understandable form and measurable. And to have just 10 pilot programs, if such be the will of the partnerships around our country, to lend a little impetus to this we believe, and I am sure the Senate believes, is very, very necessary in our country.

Mr. KENNEDY. Mr. President, I am personally grateful for the kind comments of the Senators from New Mexico and Connecticut about the Joseph P. Kennedy, Jr. Foundation program that has been involved in this area and has been for some period of time. I therefore sort of necessarily recuse myself from expressing an opinion on this particular amendment.

I yield to the ranking member to make a judgment in terms of the committee's position on this.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, as stated by the Senator from New Mexico, there is no objection on either side of the aisle, and I think it is a worthy effort. And by example, it is my understanding in Massachusetts this is being used in the public schools and private schools as well, and it has served well.

I think it is a fine approach for us to take at this time, and there is no objection.

Mr. DOMENICI. Mr. President, Senator PELL would like to be added as a cosponsor.

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

Mr. DOMENICI. Mr. President, while Senator DODD is in the Chamber, I would like to address one aspect of this that we have both confronted. Frankly, there is a lot of cynicism in America. There is cynicism about almost anything that politicians try to do.

Frankly, I have been asked questions in my home State that seem to say: Why would the Senate—and then they will add whatever they think about the Senate—be involved in this?

I would just like to say from this Senator's standpoint I choose not to be cynical. For whatever time I serve the public, I do not want to be a cynic of our future or our childrens' future. And that is why I approach this with great confidence, not because of what I am saying but because we expect those people down at the grassroots, people of America in our cities and in our school districts, in our families to find that we are interested and maybe they will be more interested, to find that we are concerned and maybe they will feel more confident.

So that is why we are here. We do not have a monopoly. We do not even begin to be here preaching that we know exactly how to behave and how character should be motivated, but we do believe we have a responsibility to accept the future with optimism and do what we can to help those who are trying.

With that, I have nothing further and I assume we will adopt the amendment.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, the question is on agreeing to the amendment of the Senator from New Mexico.

So the amendment (No. 2414) was agreed to.

Mr. DOMENICI. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2415

(Purpose: To impose a fine on persons who violate a court order regarding interference with rights to prayer in public schools)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 2415.

Mrs. KASSEBAUM. 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 1165, between lines 21 and 22, insert the following

**"SEC. 10607. SCHOOL PRAYER**

"Any State or local education agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order mandating that such local educational agency remedy a violation of the constitutional right of any student with respect to prayer in public schools, in addition to any other judicial remedies, shall be ineligible to receive Federal funds until such time as the local educational agency complies with such order. Funds that are withheld under this section shall not be reimbursed for the period during which the local educational agency was in willful noncompliance.".

Mrs. KASSEBAUM. Mr. President, I rise to offer an amendment which I believe to be a thoughtful solution to the potentially volatile and divisive issue of school prayer. This amendment will protect "constitutionally protected prayer"—just as Senator HELMS' amendment does—without placing unfair and unreasonable burdens on school administrators.

During the debate of Goals 2000 last February, the Senate found itself tied up in a complicated and fractious debate regarding the issue of prayer in our public schools. Indeed, the final version of the legislation that the Senate sent to the conference contained three different amendments relating to this one point. The amendment that I am now introducing is designed to avoid a repeat of that scenario.

In crafting this amendment, I have worked hard to meld the spirit of the Goals 2000 amendments while avoiding heavy-handed and unreasonable penalties on the students of our country.

All of the concerns raised on the Senate floor during the debate were valid ones. No one would argue against protecting constitutionally protected prayer. I commend all of my colleagues who expressed a sincere interest in maintaining this basic right for the public school students of our country.

But unfortunately, Mr. President, the issue of what is constitutionally protected is not as simple as it may first sound. Even the courts are split on what is allowed. The law surrounding this issue is unquestionably murky.

For example, in June 1993, a Federal court judge in Boise, ID, upheld students' rights to have a prayer at graduation. That same summer a Federal judge in Virginia ruled that a planned graduation prayer was unconstitutional, stating that the Constitution does not permit "students by majority vote to impose prayer on a minority."

In short, the same issue produced two very different interpretations of the Constitution.

Mr. President, this does not mean that all aspects of religion and prayer in public schools are currently in question. Students and parents have contended that some actions which school administrators at first determined impermissible were in fact ensured by our first amendment's guarantee of religious freedom. The courts have ruled that students have the right to read religious materials during individual study time; that a school district which permits civic and social groups to use its facilities must allow similar use for religious groups, and that school libraries are allowed to contain copies of the Bible. Certainly these are things that I think we would all feel were enormously important, Mr. President.

In each of these instances, the rights guaranteed by the first amendment were determined in their proper venue—the courts. School administrators had made good-faith efforts to determine what actions were constitutionally protected. But school administrators are not constitutional scholars, and it has placed them in an enormously difficult role. Therefore, in each of these cases, the courts ruled that the actions were permitted and the schools acted accordingly.

That, Mr. President, is how it should be. This amendment avoids putting school administrators in the position of determining how the first amendment should be interpreted.

This amendment will protect the rights of students. If a school administrator fails to correct a policy that the Court has deemed to infringe upon a student's first amendment rights, that school district will be faced with a monetary penalty. If school administrators willfully violate a student's constitutional rights regarding school prayer, they should be punished. But I think the phrase to emphasize is "willfully violate a student's constitutional rights."

Mr. President, the first amendment to the Constitution guarantees us religious freedom. That is something that everyone in this country cherishes and values. It is important to note that the Supreme Court has never attempted to forbid students from participating in voluntary, personal, undisruptive prayer on school property during school hours. I wholeheartedly believe in the importance of prayer in our daily lives. One can pray anywhere, at any time.

However, the first amendment also ensures that our Government refrain from endorsing one particular religion over another. The text reads:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

The Supreme Court has consistently interpreted this to mean that Government must be neutral regarding religion in the public schools.

Mr. President, our Constitution is not about, and has never been about, inhibiting religion, but ensuring that our Government stays neutral towards it. Reconciling these two fundamental intentions of the first amendment remains a challenge to us all—here in the Congress and out among the schools. It is unreasonable to expect our school administrators and teachers to be constitutional scholars.

The courts will ensure that protected prayer is permitted in our schools. This amendment further strengthens that power, without unfairly placing on our school officials the burden of determining what is protected.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I will vote for the Kassebaum amendment, because it represents a fair and balanced approach to protecting the constitutional rights of all Americans with regard to prayer in the public schools.

The Kassebaum amendment would require that Federal funds be withheld from any State or local educational agency that is found to have willfully violated a court order requiring the school district to stop violating the constitutional rights of any student with respect to prayer in the schools. A school district cannot be reimbursed for funds that are withheld during any period when the district is in willful noncompliance of the court's order.

The approach taken by the Kassebaum amendment is far superior to that taken by the amendment offered by the Senator from North Carolina to the Goals 2000 bill, an amendment that has been offered to this bill as well.

The Helms amendment provides that all Federal education funds must be cut off when a State or local educational agency "has a policy of denying, or which effectively prevents participation in, constitution[ally] protected prayer in public schools by individuals on a voluntary basis."

When the Goals 2000 bill was before the Senate I supported the Helms amendment after he modified it to limit its application to constitutionally protected voluntary prayer. There are narrow situations in my view where the free exercise clause guarantees a student the right of pray privately and quietly to himself or herself, without disrupting class or avoiding his studies.

On reflection, however, I believe that in the form offered by the Senator from North Carolina, the provision could be misused by some to scare school board officials into allowing religious rituals in situations where they are not constitutionally protected. That point was made in a June 3, 1994, joint letter by a broad coalition of educational, religious and civil liberties organizations. I would like to read a portion of that letter.

As educational organizations, religious and faith communities, and organizations devoted to religious and civil liberty, we write to urge that you oppose the Helms school prayer amendment which will be offered when the Senate considers S. 1513, the Elementary and Secondary Education Authorization Act. The Helms amendment would terminate all Department of Education funding 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."

Together, we serve millions of students and parents, thousands of school administrators and school boards, teachers and child advocates, as well as millions of Americans of many religious faiths. We are firmly convinced * * * that the Helms amendment would undermine local control of education, would needlessly interfere with the task of running our public schools, would undermine religious liberty, and should be rejected by the Senate:

The amendment places an unfair burden on school authorities by forcing them to navigate an exceedingly complex and sometimes contradictory area of constitutional law under penalty of forfeiting all federal funding.

The amendment is draconian, withholding precious educational resources even for actions which unintentionally, indirectly or unforeseeably interfere with prayer in schools.

The amendment would significantly expand federal bureaucratic intrusion into decisions by state and local educational officials.

The amendment would invite widespread threats and litigation against school officials by activists seeking to force group prayer into the public schools.

Although seemingly phrased in constitutionally neutral language, the amendment would actually encourage widespread violations of the First Amendment's Establishment Clause, and would thereby foster even more litigation against our schools.

Finally, the Helms amendment is wholly unnecessary in light of the availability of ordinary legal remedies for violations of the constitutional right to pray and the very sparse record of judicial decisions finding violations of students' constitutional rights to pray in school.

For the sake of our schools, local control of education, and our Constitution, we urge you to reject the Helms amendment to ESEA.

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

In short, the right protected by the Helms amendment is a profoundly important one, but the harsh remedy it would prescribe would tip the delicate balance required to protect the constitutional rights of those who wish to engage in prayer in schools, and of those who do not wish to participate. Local school boards faced with the risk of a complete cutoff of Federal funds would have every reason to sacrifice the constitutional rights of religious minorities to accommodate the religious preferences of the majority.

And where school boards erred in good faith and unintentionally violated the Constitution, under the Helms amendment all Federal funds would be cut off and innocent children would be deprived of educational opportunities.

Congress has previously recognized that a complete fund cutoff is unfair in these circumstances. The Equal Access Act which Congress passed in 1984 assures that religious groups will be given an equal right to use school facilities for after-school meetings.

When that law was first introduced, it contained a fund cutoff provision similar to that contained in the Helms amendment. Congress rejected that approach in the version that finally was enacted; it expressly prohibits the Federal Government from withholding school aid for violations of the act.

The Kassebaum amendment avoids the deficiencies of the Helms amendment. It applies evenhandedly to protect the constitutional rights of those who seek to pray, and of those who seek to avoid the unconstitutional establishment of religion. Because the Kassebaum amendment would authorize the withholding of Federal funds only when a school district willfully disobeyed a court order, it would not pressure school boards to tilt in favor of one group at the expense of others. And it would not punish innocent school children for good faith errors committed by local school boards.

The Kassebaum amendment is similar to Federal laws banning race, gender, and disability discrimination in federally funded programs. These laws do not permit, let alone require, a complete cutoff of Federal funds to institutions that are found to discriminate.

Under those laws, fund terminations may occur only after a hearing on the

record, judicial review, and persistent refusal by the institution to comply with the requirement; even in those situations, fund terminations are required to be limited to the particular program found to have discriminated.

Similarly, the Kassebaum amendment requires that a court determine whether there has been a constitutional violation before the withholding of Federal funds can be ordered. This is appropriate, since the law in this area is often vague, and the Federal courts are best situated to determine whether a violation has occurred.

In sum, the Kassebaum amendment fairly protects the religious rights of all Americans, while the Helms amendment would jeopardize educational opportunities for innocent children and coerce school officials to observe the religious rights of some students and to deny the rights of others.

I urge my colleagues to support the Kassebaum amendment and to reject the Helms amendment.

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

JUNE 3, 1994.

DEAR SENATOR: As educational organizations, religious and faith communities, and organizations devoted to religious and civil liberty, we write to urge that you oppose the Helms school prayer amendment which will be offered when the Senate considers S. 1513, the Elementary & Secondary Education Authorization Act. The Helms amendment would terminate all Department of Education funding 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."

Together, we serve millions of students and parents, thousands of school administrators and school boards, teachers and child advocates, as well as millions of Americans of many religious faiths. We are firmly convinced, for the many reasons outlined below and explained more fully in the attached memorandum, that the Helms amendment would undermine local control of education, would needlessly interfere with the task of running our public schools, would undermine religious liberty, and should be rejected by the Senate:

The amendment places an unfair burden on school authorities by forcing them to navigate an exceedingly complex and sometimes contradictory area of constitutional law under penalty of forfeiting all federal funding.

The amendment is draconian, withholding precious educational resources even for actions which unintentionally, indirectly or unforeseeably interfere with prayer in schools.

The amendment would significantly expand federal bureaucratic intrusion into decisions by state and local educational officials.

The amendment would invite widespread threats and litigation against school officials by activists seeking to force group prayer into the public schools.

Although seemingly phrased in constitutionally neutral language, the amendment would actually encourage widespread violations of the First Amendment's Establishment Clause, and would thereby foster even more litigation against our schools.

Finally, the Helms amendment is wholly unnecessary in light of the availability of ordinary legal remedies for violations of the constitutional right to pray and the very sparse record of judicial decisions finding violations of students' constitutional rights to pray in school.

For the sake of our schools, local control of education, and our Constitution, we urge you to reject the Helms amendment to ESEA.

American Federation of School Administrators, AFL-CIO.
American Jewish Committee.
American Jewish Congress.
Americans for Religious Liberty.
Americans United for Separation of Church and State.
Anti-Defamation League.
Baptist Joint Committee on Public Affairs.
Central Conference of American Rabbis.
Church of the Brethren, Washington Office.
Council of Chief State School Officers.
Council of the Great City Schools.
The Episcopal Church.
Friends Committee on National Legislation.
General Conference of Seventh-day Adventists.
National Coalition for Public Education & Religious Liberty.
National Council of Churches.
National Council of Jewish Women.
National Education Association.
National Jewish Community Relations Advisory Council.
National Jewish Democratic Council.
National P.T.A.
National School Boards Association.
People For The American Way Action Fund.
Presbyterian Church (USA), Washington Office.
Union of American Hebrew Congregations.
Unitarian Universalist Association of Congregations.
United Synagogues of Conservative Judaism.

Mr. THURMOND. Mr. President, I rise today to speak in favor of S. 1513, the Improving America's Schools Act of 1993. I commend Senator KASSEBAUM for the fine job she has done on this bill. While I intend to support the legislation before us today, amendments may be offered to this legislation that I also support. However, I caution my colleagues that amendments regarding opportunity-to-learn standards or outcome-based education will force me to reconsider my support of this legislation.

Mr. President, last year we passed S. 1150, the Goals 2000: Educate America Act. I supported that legislation during its initial passage in the Senate. However, I felt that I could not support the Senate version which would further involve the Federal Government in education. Subsequently, I did not support the legislation reported by the conference committee. I hope this does not happen with the legislation before us today.

The Elementary and Secondary Education Act primarily addresses the special educational needs of disadvantaged students. It encourages the development and implementation of innovative instructional techniques. It also encourages instructional improvement in key subject areas such as math and science.

S. 1513 contains a number of worthy programs, several of which I would like to highlight. First, the largest Federal elementary and secondary education program, chapter I, is a formula grant program that provides supplemental educational and related services through State and local organizations to improve the achievement of educationally deprived children from preschool through high school.

Second, the Early Childhood Transition and Even Start Programs will help children under 8 years of age to be better prepared when entering elementary school. The Early Childhood Transition Program provides transition services for children who have participated in Head Start or other early childhood programs. This is vital to ensure that the gains made by early childhood programs are not lost as these children enter elementary school. The Even Start Program combines early and adult education to families with parents without a high school diploma or GED. This helps build partnerships within families so that family members reinforce and encourage each other to learn.

Third, S. 1513 will continue to improve educational programs for migrant children and to improve interstate and intrastate coordination and transfer of student records.

Fourth, this legislation includes grants which will foster the use of technology applications in our schools, professional development in educational technology, and technology-related services in public libraries and literacy programs. The Star Schools Program provides access to telecommunications systems for rural schools to improve access to educational instruction through the development and acquisition of telecommunications equipment and instructional programming. The use of technology in education will help America remain globally competitive, and I am very supportive of this program.

Fifth, the Inexpensive Book Distribution Program will be contained under this legislation. This program is operated by Reading is Fundamental [RIF], which is associated with the Smithsonian Institution. It is estimated that in 1995, approximately 6 million books will be distributed to nearly 2 million children. This program inspires children to read and motivates parents to be involved in the achievements of their children.

Finally, in order for our children to be successful in education they must live in a safe and drug-free environment. The Improving America's Schools Act provides assistance to help

prevent the illegal use of alcohol and other drugs and to prevent violence in and around schools. It expands the Drug-Free Schools and Communities Act of 1986 to include violence prevention. This is a worthy program that deserves our support.

These programs are among the many worthy programs authorized by this legislation.

Mr. President, as you know, I have concerns with the role of the Federal Government in our educational system. I am particularly concerned about the establishment of a Federal curriculum and limitations on the flexibility that is critical in allowing States to address local needs.

However, on balance, I believe this legislation seeks to provide a high-quality education for all Americans. It provides critical resources to help economically disadvantaged children achieve their educational goals. It also encourages innovation in addressing the diverse educational needs our children face.

I am a strong supporter of education reform. I believe the education we provide to our children and future generations of children is one of the most important gifts we can give them.

Again, I intend to support S. 1513 in its current form. However, I must again caution my colleagues against amendments that call for excessive Federal regulatory requirements, as well as Federal mandates not funded by the Federal Government.

SCHOOL PRAYER AMENDMENTS TO ESEA

Mr. DURENBERGER. Mr. President, I rise in support of the Kassebaum school prayer amendment and in opposition to the Helms amendment.

Mr. President I commend both my colleagues, Senator HELMS and Senator KASSEBAUM for working on the critical issue of school prayer. Like my colleagues I have been concerned about the abuse of the Constitution that has resulted in attempts to forbid any religious expression in public schools. I am heartened by the Court's recent attempts to restore the appropriate balance between the free expression of religion and the establishment clause.

Today I vote my preference for the Kassebaum approach because I think it very creatively deals with the problem found in the Helms amendment.

The only problem with the Helms amendment, in my mind, was that it forced school administrators to reach difficult constitutional conclusions with an enormous stake riding on their ability to guess correctly. I support the goal of the amendment to condition Federal support on an appropriate respect for the constitutional rights of students who want to pray in school. But I was troubled, in the final analysis, by the possibility that a school administrator, who tried in good faith and to the best of his or her ability to discern the constitutionality of any given proposal, could lose Federal funds because he or she did not accurately predict the outcome of a constitutional issue.

The Kassebaum amendment cures this defect. It gives the school administrator a way to make decisions in good faith when there is no specific guidance on the constitutionality of a proposal without placing their Federal funding on the line. But, like the Helms amendment, it gives real teeth to the requirement that schools not interfere with constitutionality protected prayer.

Mr. President, I applaud the efforts of the Senator from North Carolina to keep this issue before the Senate. And I applaud the Senator from Kansas for her creative solution to the dilemma that school administrators might have faced under the Helms amendment.

I urge my colleagues to support the Kassebaum approach to this important issue.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina, [Mr. HELMS], is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have just come from the White House, where I was witness to an inspiring event. As I told Senators in the policy luncheon today, I was going down to join in welcoming the number one girls' basketball team in America—the Lady Tarheels from the University of North Carolina. I have heard it mentioned that last year, the men's basketball team was number one in the NCAA. They were not number one this year, because Arkansas beat them.

But there were those young ladies, and most of them tower over the President and me. I think I shall never forget the picture—and it may be in the papers tomorrow morning—of the President looking up at a lovely young woman, one of whom won the game back in March, in the last seven-tenths of a second. She made a three-pointer and won the game and the championship for the ladies of the University of North Carolina's basketball team.

In talking with these young ladies and with the coach, we began wandering off the subject of basketball and wandering onto the state of the Nation, if you will. I found that each one of these ladies is dedicated in terms of moral and spiritual values. A couple of them said, "Senator, are you going to offer your prayer amendment again any time this year?" I said, "I am." They said, "We hope it passes." Well, I share that hope, because that is what I intend to do right now.

But first, Mr. President, may I ask if the pending business is the amendment of the Senator from Kansas?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. It is necessary to set that aside temporarily. Can I do that by second-degreeing her amendment?

The PRESIDING OFFICER. The Kassebaum amendment is open to further amendment in the second degree.

Mr. HELMS. I thank the Chair.

I ask for the yeas and nays on the Kassebaum amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2416 TO AMENDMENT NO. 2415

Mr. HELMS. 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 North Carolina [Mr. HELMS], for himself, Mr. LOTT, Mr. NICKLES, and Mr. SMITH, proposes an amendment numbered 2416 to amendment No. 2415.

The amendment is as follows:

At the appropriate place, add the following:

**SEC. . PROHIBITION AGAINST FUNDS FOR PROTECTED+ PRAYER.**

Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local education 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. HELMS. Mr. President, as we were discussing at the White House with those young people today, America is in the midst of a historic struggle between those who see this Nation as having been rooted in Judeo-Christian morality, people who yearn for a restoration of the traditional values passed down by the Founding Fathers on one side; and on the other side, those who intentionally, or unintentionally, or by benign neglect, would discard the moral and spiritual values in favor of something called "moral relativism," and that is really a struggle, I think, for the soul of America.

Jenkin Lloyd Jones, of the Tulsa Tribune, many years ago wrote an editorial which must have been reprinted a million times, entitled "What Has Happened to the Soul of America?"

That question is relevant today, even more so. How this struggle is resolved will—many of us are convinced—determine whether America will succeed and prosper, or whether America will disappear into the dustbin of history.

I am gratified, for one, that the American people, in poll after poll, confirm that they recognize what is at stake. And by a wide margin—anywhere from 75 to 80 percent—they want school prayer restored. I might add that since the first time that the Senate passed this amendment, 75–22, if I am correct in the figures, we must

have received 10,000 pieces of mail, and almost that many telephone calls, from people wanting to know if I wanted to try it again and on what legislation. And, of course, I told them on this piece of legislation—the elementary and secondary education bill.

I was encouraged back in February when the Senate voted 75–22 to approve an amendment to prevent public schools from prohibiting constitutionally protected, voluntary, student-initiated school prayer.

Despite this vote and a 367 to 45 vote in the House of Representatives to instruct its conferees to support the Senate school prayer amendment that had been approved by the Senate, as I said 75 to 22, despite all of that, a little hanky-panky occurred in conference, and the amendment was dropped. I had plenty to say about that, and so did several other Senators, just before Easter when the conference report on that bill came back.

I was dismayed, frankly, as author of that amendment, as was Senator LOTT, who was the principal cosponsor of the amendment, that our amendment was dropped in the closing seconds of the conference between the House and the Senate. There was no debate. There was no discussion. There was no vote. Just a wink and a nod, between the Senator from Massachusetts and his counterpart on the House side who by obvious prearrangement dropped the amendment and substituted in its stead do-nothing language. In other words, they gutted the provision.

The House as a whole rejected the do-nothing amendment that the Senator from Massachusetts and his House counterpart put in that conference report earlier this year.

Now, when that do-nothing text, that precise amendment, I might emphasize, was offered to the House version of this bill, the underlying bill, H.R. 6, the House rejected it overwhelmingly 179 to 239.

So what do we have here the second time around? The will of the overwhelming majority of both the Senate and the House was deliberately overturned and the wishes of the American people—75 to 80 percent of them in every poll I have seen support voluntary prayer in school—were cast aside. What they thought, what they wanted, what they desired did not matter. A wink and a nod and away the amendment went.

We ought to see if that happens again. Many Senators on that Friday night—just before Easter when the Senate was in session until after midnight—stood on this floor and were highly critical of the arrogance of the Senator from Massachusetts and his cohort in the House of Representatives when the conference report was brought up in the Senate immediately prior to that Easter recess.

As I recall, one of the Nation's large, liberal newspapers lamented the fact that the Senate was being delayed in beginning its recess because, as the newspaper put it, something "so trivial"—so trivial—as school prayer was taking up the time of the Senate.

Mr. President, let me emphasize the way I feel about it. If we care about restoring America's principles and traditional values, the very foundation of this country from the beginning, if we care about the long-term survival of this country of ours, how could there be anything more important than for the Senate to spend a little time on the subject of protecting the right of America's children to participate in voluntary, constitutionally protected prayer in their school?

And that is why, Mr. President, I have offered the pending amendment.

So that there may be no misunderstanding about it, no misinterpretation of it, let me read the amendment into the RECORD again. The clerk has already read it very clearly, but you are going to hear a lot of "who struck John" about how my amendment is terrible. Well, it is not terrible at all.

The amendment pending says:

> Notwithstanding any provision of law, 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.

That is the amendment. It includes a modification suggested by the Senator from Massachusetts last February who then voted for it when it passed the Senate, and then when it got into conference the hanky-panky began.

This is the precise language which the Senate approved 75 to 22 on February 3 of this year. I repeat that for emphasis.

Mr. President, I ask unanimous consent that the rollcall vote on school prayer on February 3, to which I allude, be printed in the RECORD immediately before the vote on the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Now, then, Mr. President, I reiterate that this exact language was approved by the House of Representatives 345 to 64 as an amendment to their version of the elementary and secondary education bill, H.R. 6, meaning that if the Helms-Lott-Dole-Nickles-Smith amendment is approved today, surely no conferee on the underlying bill will again be brazen enough to attempt to drop the amendment in conference.

So that there will be no misunderstanding as to the implications of this amendment, I will remind Senators what it does not do.

It does not mandate school prayer. It does not require schools to write any particular prayer. It does not compel any student in any school to participate in any prayer against his or her wishes. It does not prohibit school districts from establishing appropriate time, place, and manner restrictions on voluntary prayer—the same kind of restrictions that are placed on other forms of free speech in the schools.

What the amendment does do is prevent school districts from establishing official policies or procedures with the intent of prohibiting students from exercising their constitutionally protected right to lead or participate in voluntary prayer in school.

I will tell you why this amendment is essential: All over this country school administrators either are confused or claim to be confused about what students' rights are in terms of this issue. The Helms-Dole-Lott-Nickles-Smith amendment, which is pending, will make it perfectly clear, because this amendment will tell them you better not prevent individuals from praying without studying the law, not popular myths, about what is and is not constitutional. The amendment will make it really clear to school officials who claim to be—but are truly—confused. A lot of them may be legitimately confused because there are conflicting signals coming out of Washington, DC, mainly because of a lot of things that are said on this floor that simply are not true.

What the amendment does do—I reiterate—is prevent school districts from establishing official policies or official procedures with the intent of prohibiting students from exercising their constitutionally protected right to lead or participate in voluntary prayer in the school.

That, Mr. President, will be its immediate impact because, as I said, this exact language is already in the House version.

In the long-term, the amendment's impact will be to help reverse the breakdown in our Nation of traditional morality and respect for human life and love for our fellow man.

I was gratified, as I know other Senators were, to note in the media the activities of a great many young people in Washington who are turning back toward moral and spiritual values, and I want to take my hat off, if I had one on, to the black ministers of Washington, DC, who have also been pushing for school prayer. They are not being fooled about the cause of violence, the cause of immorality, or the cause of the breakdown in traditional values. They know what has happened, and they are doing something about it. And I am proud of them and I want them to know it.

Looking back in time for just a moment, I, for one, believe it is possible,

Mr. President, to pinpoint the precise time when the decline of America began. It began with the Supreme Court's 1962 decision banning school prayer. That is when America reached the slippery slope and looked down and then continued, and the importance of moral and spiritual values faded into the background.

Those of us who are in roughly my age bracket remember a woman named Madalyn Murray. She is now Madalyn Murray O'Hair. She is the lady who invited known Communists into her home, who then assisted her with the lawsuit that ended up in the Supreme Court and resulted in the banning of voluntary prayer from the schools.

Madalyn Murray. She had a little boy who was used as the pawn in this rolling of the dice. His name is Bill Murray.

Along about 1980, Mr. President, I went with the candidate for President that year to Dallas for an appearance. After the appearance was over, I went to a hotel restaurant to see if I could get a sandwich before going to bed. A nice-looking young man came up and shook hands with me as I was standing in line.

He said, "I just want to introduce myself and thank you for what you are trying to do. My name is Bill Murray."

We had an athletic director at Duke University named Bill Murray. I said, "Is your dad the athletic director at Duke?"

He said, "No, sir. My mother is Madalyn Murray O'Hair."

I said, "Well, you are—"

He said, "That's right. I'm the little boy who was made the focal point. She did not want me to be exposed to prayer in school."

We sat and talked that evening and shared a sandwich together. I found out that Bill Murray was conducting a ministry. He was going around the country saying, "I love my mother, but I apologize for what she did." He said, "You know, it is interesting to watch the news media." He elaborated, "When I get down to the business of how this effort was contrived in my mother's home and by whom, the television lights go off and the notebooks are snapped shut, and you never hear anything about it."

I still correspond with Bill, and I think his ministry is doing well.

But I think it is quite interesting that the focal point of the 1962 decision—and there was more than one of them—is now going around apologizing for what his mother did. He still loves his mother, but he regrets what she did and he regrets that she used him.

In the publication entitled "The Index of Leading Cultural Indicators," a publication prepared by Bill Bennett, former Secretary of Education, Bill documents the cultural breakdown of our society over the past 20 years or so. Senators who review this publication will see, for example, that between 1972 and 1990, teenage pregnancy almost doubled, from 49.4 per thousand to 99.2 per thousand. Teenage abortions increased from 19.9 to 43.8 per thousand in the same period.

So is there any real wonder that we see such trends when our schools actively prohibit prayer and reading from the Bible, and then turn around and distribute condoms to students? What kind of signal are we sending to the young people of this Nation when our Government forbids their prayers, but pays for their condoms?

Back to Bill Bennett's publication. He pointed out how at one time not too long ago school teachers were worried about their students "chewing gum, making noise" or "running down the halls." Today, teachers worry about their students abusing drugs, getting pregnant, being raped, assaulted, or shot in school or on the streets; or students bringing guns to school.

I recall a 1993 survey of school superintendents in New York State. This survey was published by Time Magazine. Time Magazine listed the following instances of violence in the New York public schools in 1993. It might be worthwhile to read them into the RECORD.

Disorderly conduct, 24,066; harassment, 19,535—now, these are acts committed in the schools—assault, 8,879; vandalism, 6,886; larceny, 5,587; menacing, 5,445; weapon possession, 3,142; reckless endangerment, 3,119; robbery, 1,804; and sex offenses, 348.

With all that going on, I think the ministers in the District of Columbia are properly saying to me and others, "Why do we still hear voices saying, 'Oh, no; prayer in the schools must not be permitted'?"

Now, these voices insist that school children must not be allowed to begin their school day—just as we do in the U.S. Senate and as they do over in the House of Representatives—with a prayer. That is what the ACLU and the ACLU's allies here in the Senate see as the great threat to students—school prayer.

Have we, as a society, learned nothing from the rising rates of crime and illegitimate birth, abortion, incest, poverty, teenage suicides, AIDS, and the tragic erosion of American citizens' traditional love and concern for their fellowman?

All of these, I am absolutely persuaded, have a common thread: A collapse of moral and spiritual values in America. But I believe it is encouraging to know that 75 to 80 percent of the American people in every poll now strongly support the restoration of school prayer. They took the poll on the Helms-Lott-Nickles-Dole amendment, and there the support stood at 75 to 80 percent.

Mr. President, 207 years ago—and I am going to wind up with this—a group of patriots, whom we now call our Founding Fathers, met in Philadelphia to try to work out an agreement on what was to become the Constitution of the United States. The story is a familiar one.

I often say that every school board knows it, but I am not too sure of that now. I hope they are still teaching it.

But, in any case, of those patriots, who met in Philadelphia 207 years ago, few had any notion whatsoever about the importance of the task that they had undertaken and for which they had assembled. And, being human, everyone tried to get an advantage over all the others for their home States.

You see some of that in the U.S. Senate in the year 1994—one-upmanship. And that rubs on the nerves a little bit after awhile.

Tempers began to flare; some of the delegates were beginning to get fed up and were making plans to get on their horses and get back to their homes.

And it was then that a 81-year-old gentleman named Benjamin Franklin—he listened and shook his head—got up and said to his brethren, and I am quoting,

> In the beginning of the contest with Britain, when we were sensible of danger, we had daily prayers in this room for Divine Protection. Our prayers, sir, were heard and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a superintending Providence in our favor.
>
> Have we now forgotten this powerful Friend? Or do we now imagine that we no longer need His assistance?

And here is where he got down to brass tacks.

> I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth: That God governs in the affairs of man. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?
>
> We have been assured Sir, in the Sacred Writings that except the Lord build the house, they labor in vain who build it. I firmly believe this.

Ben, wherever you are, I believe it, too.

And then came Ben Franklin's final counsel and admonition to those assembled representatives:

> I therefore beg leave to move that, henceforth, prayers imploring the assistance of Heaven, and its blessing on our deliberation, be held in this assembly every morning.

And they were held.

Do you know something? It was not long before they worked out their little differences, these Founding Fathers of ours. And this Nation was born. The Constitution was completed, and signed. The delegates, you see, had gotten the message. They closed the doors and the windows, fell to their knees inprayer—and, of course, that was the beginning of the Miracle of America.

After the delegates had finished their work, Dr. Franklin stepped outside where a great crowd had been milling. A lady rushed forward, tugged at the

great statesman's jacket, and asked: "What do we have, Dr. Franklin—a monarchy or a republic?"

Dr. Franklin gazed into her eyes and replied: "My dear lady, you have a republic—if you can keep it."

And that is the challenge to us today. We are trying desperately to keep a Republic. For more than 200 years, generation after generation knew about that and understood the precept. They met the challenge, I would point out, including individuals from a multitude of faiths, whether they were Protestant or Catholic, Moslem or Jew, Hindu or Buddhist, or countless others. But that was the day, you see, before the American Civil Liberties Union. Now, as we work our way through America's third century, we face this question: Can this great Nation, created with the assistance of Almighty providence, long survive if we as a nation turn our backs on God by allowing a small elite to prohibit voluntary prayer in schools—the very place where we try to educate and nurture future generations?

Statistic after statistic shows that we cannot. And the betting is that we will not. That is why I urge Senators to change the tragic course we have taken by adopting the pending amendment. America's future is at stake.

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.

Mrs. KASSEBAUM. Mr. President, before the Senator from North Carolina leaves the floor, I would just like to ask a couple of questions. The amendment of the Senator from North Carolina and my amendment are similar in one respect, we both protect the rights of students to engage in constitutional protected prayer. The Senator would agree with that?

Mr. HELMS. That is correct. And that is why earlier today I suggested everybody vote for the amendment of Senator KASSEBAUM and also vote for the amendment of JESSE HELMS.

Mrs. KASSEBAUM. Could I suggest to my good friend from North Carolina, that there is a major difference in our amendments. I would like to make sure everyone recognizes this. Much of what the Senator from North Carolina has spoken to—about the need to reinvigorate our educational system with a sense of responsibility and a respect for prayer, his thoughts on respect and tolerance for the views of others—I certainly would agree with.

But there is one very important difference in our amendments. In the Helms amendment, the children served by chapter 1 moneys, who are the lowest income and most disadvantaged of our students, would be deprived of moneys in cases where an arbitrary judgment is made by a specified party that school officials have prevented legal prayer.

In my amendment that can only happen where there has been willful violation of the law. I suggest to the Senator from North Carolina that it troubles me a great deal that he proposes we can cut these funds—which I think both of us would agree are important funds and which have helped the schools in North Carolina as well as Kansas—because of an inadvertent decision made by an individual teacher. And while we both support constitutionally protected prayer, it has become difficult to determine what is constitutionally protected.

I believe it is absolutely essential that when it is determined that certain rights are protected and those rights have been violated, there should be a penalty. But when there is uncertainty, I think we do a real injustice to the students to deprive them of chapter 1 moneys, which are targeted to the poorest of our school districts. That is where there is a major difference between these two amendments. It is imperative that this difference be recognized because it is my understanding that a vote for Senator HELM's second-degree amendment could nullify mine as the first-degree amendment. I do not think they are compatible enough.

Mr. HELMS. You are not correct about that. Mine is an add-on. The Senator's amendment will stand.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from North Carolina will——

Mrs. KASSEBAUM. Madam President, I ask that I have a dialog with the Senator from North Carolina and get his response. I would be happy to get a response.

Mr. HELMS. I will explain to the Senator the problem I find with her amendment. I think the lady knows I respect her. However, your amendment drags in Federal judges to make any initial decisions in favor of school prayer, but not for decisions against school prayer. I think the Congress of the United States ought to make such decisions.

The amendment of the Senator says, "Any State or local agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order." We already have too many of our decisions being made by judges who ought not be on the bench in the first place. So, I have trouble with the Senator's amendment. But I have no objection to Senators voting for both of them if they wish.

But I cannot say I look with great excitement on the Senator dragging in Federal judges to make decisions that should be made by the Congress of the United States. That is what we are paid to do.

Mrs. KASSEBAUM. Madam President, I thank the Senator from North Carolina. I suppose that we all could, at one time or another, make the argument that we do not agree with the Court.

But I think that the language of the Senator from North Carolina puts at great risk turmoil within our school districts when it forces school administrators to determine what should be allowed, and cuts off Federal funds even if school administrators make good faith efforts to follow the law.

So while it is very difficult to determine what is and what is not constitutional, it is not Congress' responsibility. It is the responsibility of those in school districts to make good-faith efforts and then it is the responsibility of the courts to acknowledge whether, indeed, it is constitutional.

Madam President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. HELMS. Madam President, let me respond to what the Senator said about my amendment, please.

The PRESIDING OFFICER. The Senator from Illinois is recognized. We are going from one side of the aisle to the other.

Mr. SIMON. Madam President, I would be pleased to yield to the Senator from North Carolina for the sole purpose of responding.

Mr. HELMS. Madam President, we are going to get down to brass tacks on this, and I say this with great affection and respect. Under the Senator's amendment, the enforcement of a child's right voluntarily to pray in school could very well not be vindicated until years after that child has graduated from high school.

As I have said, the Kassebaum amendment will not diminish the impact of my amendment, so I will not be upset if both are adopted.

But there are significant differences in how the two amendments approach the issue of school prayer and, thus, in the help they will actually provide students who have had their constitutional rights violated. I say again, under the Kassebaum amendment, the enforcement of a child's right to pray voluntarily in the schools might not be vindicated until years after the child has graduated from high school. And even then, the Kassebaum amendment does not penalize the school district for all those years of violating the child's constitutional rights.

Mr. President, under the civil rights laws, damages are given for violations of such rights both before and after the Federal courts render their judgment that indeed an individual's rights have been violated. Yet, the Kassebaum amendment—on the issue of violating rights to pray in school—would penalize schools only for violations that occur after a judgment is rendered against a school district. The violations which are the very basis for the court's judgment would go unpunished.

In other words, a school district can go merrily along prohibiting children's

rights for years, but will never pay a financial penalty for all those violations if the school complies with the court's final judgment. Even then, the school district can still violate the judge's order as long as they can show that they didn't violate the order "willfully." The bottom line is that there is no incentive to do the right thing before the court decree is issued—much less to do the right thing without having to be taken to court.

And that has been the whole point of my amendment. Currently, the ACLU and their legal allies are exerting unbalanced pressure on school boards. They are in the legal driver's seat. They swoop down on any offending school district and threaten its officials with a lawsuit if any kind of voluntary student-initiated prayer or religious activity is even rumored.

The Helms amendment—unlike the Kassebaum amendment—would provide a counterbalance to this pressure. Schools would have to consider an alternative consequence of any unconstitutional decision to disallow voluntary, constitutionally protected school prayer. The amendment creates a complete system of checks and balances to ensure that school districts do not shortchange their students one way or the other.

Finally, Mr. President, after what occurred in the last conference on school prayer, it is almost guaranteed that no language dealing with school prayer will survive the conference on this bill either—unless the Senate adopts verbatim the same language the House passed on the bill. And that is why the pending amendment is verbatim the same language the House has already attached to their version of the bill—H.R. 6—by a vote of 345 to 64.

That is why those who oppose school prayer want the Senate to pass almost anything on the issue of school prayer—as long as it is different than the language of my pending amendment.

A vote against my amendment on school prayer is a vote to kill school prayer in the upcoming conference on the Elementary and Secondary Education Reauthorization Act. Senators can vote for or against the Kassebaum amendment, but if they truly want school prayer to be restored in the schools, they must vote of the Helms amendment.

Let us take on our responsibility as a U.S. Senate. Let us not say some Federal judge way out there somewhere in America who exercises one man's or woman's judgment is going to decide something we have the responsibility to decide.

Mrs. KASSEBAUM. Madam President, just if I may respond, it is not at all clear that Senator HELMS' amendment would provide a faster remedy.

Mr. HELMS. Just a minute. Who has the floor?

The PRESIDING OFFICER. The Senator from Illinois is recognized and had yielded. The Senator from Illinois now has the floor.

Mr. SIMON. Madam President, I respect the sincerity of my colleague from North Carolina and those who advocate this. My colleague from North Carolina happens to have his office right next to mine and, among many other virtues he has, he is just good to people, whether they come from Illinois or North Carolina or California, or where they are. I appreciate it.

I remember when I served in the House, we had a House Member who was mean to elevator operators and other people, and pages and others. One day, he came to me and said he needed help on something and I said, "I'm going to tell you real candidly why I'm not going to help you." It is because he was not good to people.

My colleague from North Carolina is good to people, and I genuinely respect him for that. But I also believe he is wrong on this amendment.

What he is saying is that we should have mandated voluntary prayer. There is some inconsistency in having mandated voluntary prayer. From the people who are always against Federal mandates, all of a sudden we are going to have a Federal mandate that affects all the schools.

I think this is unwise. Senator HELMS says the Federal judges are going to be making the decision on the Kassebaum amendment. His amendment has this phrase in it that it would require school districts to have constitutionally protected prayer. Who makes the decision as to what is constitutionally protected prayer? Well, it would be the Federal judges who would make that decision.

I respect those who want to see a greater spiritual life in our country. My father was a Lutheran minister. My brother is a Lutheran minister. But we should not expect our schools to do what our homes and our churches and our synagogues and our mosques are doing. That is something we ought to be doing individually. I do believe that this amendment, even if it were to be adopted, violates the criteria that has been set forth by the U.S. Supreme Court.

When we ask the schools to get into this business of religion, I think we have to remind ourselves, believe it or not, in Nazi Germany, they had required religion in the schools. Somehow something did not click because that is not where we are going to acquire religion.

And then finally, Madam President, when we get down to this business of prayer, we have to ask, whose prayer is it? Is it Roman Catholic, is it Presbyterian, is it Jewish? We now have, for example, in this country, believe it or not, according to the last census, more Moslems than we do Presbyterians. We have more Buddhists than we have Episcopalians. Whose prayer are we going to use?

I think we get into a very, very delicate area when we mandate voluntary prayer. I think there is an inconsistency in the very phrase "mandated voluntary prayer." But that is what this amendment calls for.

I think, with all due respect for my friend from North Carolina, this amendment should be defeated.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, I know that Senator HATFIELD—and there have been others—has been waiting. If I can get the attention of the Senator from Oregon for a moment, he has been in the middle of some appropriations meetings. Perhaps he can speak next for a few moments.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Madam President, I will be very brief, and I appreciate my colleague from Rhode Island permitting me to inject a few remarks at this time.

We are dealing with, of course, a very personal issue in matter of prayer. We are dealing with the issue of protecting religion and religious convictions.

I must say very frankly that I oppose all prescriptive prayer of any kind in public schools. Does that mean I am against prayer? No, it does not mean that at all. I am very strong in my belief in the efficacy of prayer. But I must say that there is no way this body or the Constitution or the President or the courts could ever abolish prayer in the public schools. That is an impossibility. I often use, somewhat facetiously, the example and experience of having prayed my way through every math course examination I ever took. I was not praying to the teacher. I was not praying to my fellow students. I was engaging in silent prayer to God, who I thought was more powerful than I and all the students put together.

All I am saying is that this can be very personal, and silent prayer is happening all the time. I am not sure that I know of anything in any of the great religions that requires audible prayer to validate the efficacy or the importance of prayer. I can pray silently, or I can pray verbally and audibly.

So I think we get ourselves into a great thicket of trying to prescribe parameters surrounding prayer in public schools. The Senator from Illinois asked the question: Whose prayers? I have also sometimes said facetiously, I do not have the time to write the prayers for the schools and I do not trust anybody else to write them. That is my religious heritage, always questioning ecclesiastical authority as well as political authority.

So I would like to say that prayer is being given everyday in public schools throughout this country—silent prayer, personal prayer that in no way

could we ever abolish even if we wanted to.

So I do not see any great crises about the right of prayer in public schools.

I also feel very strongly, Madam President, that when we begin to talk about personal prayer again, we should remember that it is a matter of free speech as well as freedom of religion. I happened to coauthor here on the Senate side the Equal Access Act legislation, coming from the Widmar case of the University of Missouri, where the university had provided access to facilities on the campus for students to voluntarily congregate in pursuing a common interest. But, when they wanted to get together for a Bible study, the university ruled against that; that was religion.

The Supreme Court very quickly handled that case by saying wherever the institution of learning gives a right to forum, they have no right to dictate the subject of the forum, and upheld the right of students to voluntarily gather themselves together for Bible study on that campus.

We took the same principle of the Widmar case, and we applied it to the secondary school system of this country under the Equal Access Act. If the school before or after hours provides an opportunity for students to voluntarily gather themselves using facilities of the school for a particular interest, for a camera club, music club or whatever it might be, those students should have the same right to gather themselves together for prayer or Bible study.

Now, that is a free speech issue, but like many of our freedoms it also correlates to the freedom of religion. I would like to see us move beyond and outside of this particular debate because I do not see the necessity for this Senate to take any action—any action—on the subject of school prayer. If there are those schools that are unfriendly to religious practices or free speech, then let that be handled through the individual communities and through the legal authorities in each of those communities with injunctions or whatever remedy may be issued by the court. We do not have to cut off funds to enforce court actions.

So I believe that the simplest and best way to deal with this subject is to take no action relating to school prayer. Let students continue to pray as they do now, silently as a undeniable personal right.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Madam President, I commend the Senator from Oregon for his remarks. I completely agree with him. I do not think this is an area in which the Senate of the United States ought to be involved.

What I would like to do is just take a quick look, if I might, Madam President, at what this amendment does. This is really a draconian amendment. What it says is that notwithstanding any provision of the law, no funds from the U.S. Department of Education—no funds for Head Start, no funds for chapter 1, no funds for literacy, no funds for anything that comes through the Department of Education—shall be available to any State or local educational agency which has a policy of effectively preventing participation in constitutionally protected prayer.

Now, the problem arises, Madam President, in determining exactly what constitutionally protected prayer is. It is a fuzzy area that is very difficult to define. Yet what this amendment will do is to put a tremendous burden on every local school department and every local school committee to try to figure out what that definition is.

In our State, we have 39 cities and towns and each one of them has a school committee, although in some instances, two towns combine to have one common high school, for example. But basically, I believe we have some 36 different school entities in our State. And under this amendment administrators at each one would have to try to figure out what is constitutionally protected prayer.

Now, we had a case come up on this, Madam President, in our State. At the Nathan Bishop Middle School—actually, that is the middle school that I went to—graduation a few years ago they had a benediction, and it was objected to. The matter was taken to the courts because nobody could figure out whether that graduation prayer was all right. Was it constitutional or was it not constitutional? Did it violate the first amendment or not?

The case was filed in June 1989. In January 1990, the district court, our district court in the State of Rhode Island, said that benediction violated the U.S. Constitution. So one court spoke. But then the case was appealed.

Six months later, in July 1991, it went to the First Circuit Court of Appeals up in Boston. Three judges sat on the case, and in the decision they split two to one, which is not a very clear signal. And there they said they agreed that, yes, the benediction was a violation. But with dogged determination the school board appealed to the U.S. Supreme Court. Now, this is getting fairly expensive by this stage. And in June 1992, the U.S. Supreme Court handed down its decision. After 4 years of litigation and three court rulings, they decided in a close 5 to 4 decision that, yes, that benediction did violate the Constitution of the United States.

The total cost to the city of Providence, which like many others is a community that is having difficulty properly funding its schools, was $110,000. And actually I think they probably must have gotten some kind of break on legal fees to go all the way to the Supreme Court for $110,000. That was money which could well have been better spent not on lawyers, but on children's school books and school equipment.

So after all of this, the decision came down from the U.S. Supreme Court that the Nathan Bishop benediction was in violation of the Constitution. Now, what is my point? My point here, Madam President, is if the courts themselves have such trouble with defining constitutionally protected prayer, how is a school administrator to tell what is a constitutionally protected prayer in his or her public school? It is very, very difficult to tell. It is a murky area with no clear definition. Indeed, I would point out that we have a very prestigious First Circuit Court of Appeals, and yet even they divided on the subject.

Just to make it even more confusing, 6 months after this decision from the U.S. Supreme Court on the Nathan Bishop case, the fifth circuit came out with what seems to be a contradictory ruling. Now, obviously they do not think it is a contradiction. They probably think they are following the Supreme Court of the United States as they are duty bound to do. But nonetheless their decision only added to the confusion out there as to what is permissible under the Constitution and what is not.

Madam President, I think this is really going too far, to say that school administrators must now act as constitutional experts. They are meant to be running schools and educating children. And thank goodness that that is what they are meant to be doing. I hate to see them having to divert their time and energy into making calls on whether this one is a constitutionally protected prayer and that one is not, always knowing that if they make a call one way or the other, it is probably going to be appealed or taken to the courts—as happened at the Nathan Bishop Middle School.

So, Madam President, I think this is an amendment we should not have. I know it passed here earlier this year, and this amendment is substantially the same amendment as the one we voted on earlier. I can say I voted against it, and I am glad I did. However, it passed very substantially, and I think that was unfortunate. I hope everybody who voted for this amendment back in February of this year would think of the confusion that it will bring to our schools. Our public schools already are dealing with every kind of problem known to man. Why, they have guns in the corridors. They have children with drug problems. They have teenage pregnancy. All of these problems the administrators are trying to tackle while at the same time providing a good education for the youngsters in their charge.

On top of all these problems comes the question of constitutional school

prayer. Under this amendment not 1 cent from the Department of Education would be available to any school committee if it denies—even inadvertently—participation in constitutionally protected prayer.

In my State of Rhode Island, a small State with a total population of 1 million, we could lose a good amount of money. The total Federal funds for the State are $60 million. I suspect that the city of Providence could be risking millions of dollars. That is very, very important money to that school system.

So, Madam President, I urge that my colleagues vote against this amendment. Frankly, I think we ought to stay out of this whole business of this body trying to dictate what takes place in school prayer in the various schools throughout our Nation.

I want to thank the Chair.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. LOTT] is recognized.

Mr. LOTT. Madam President, I rise to support the Helms amendment. I would like to begin by doing a couple of things; that is, by reading what we are actually talking about here.

First, I want to read the Helms amendment. Maybe it has already been read. It is worth listening to again. I want to emphasize that this is the same amendment we voted on earlier this year.

> Notwithstanding any provision of law, 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.

I do not understand what is the great fear of that language. In that regard, I thought maybe we should read the Constitution, particularly the first amendment. We have different interpretations of it. But it is pretty clear:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

We seem to have forgotten the second part of that phrase, "* * * or prohibiting the free exercise thereof."

I know that there is disagreement. Any time you get two lawyers in a room, you have disagreement. So you have Constitution scholars, lawyers, and educators who will always get into great detail about what cannot be done and how it must be done. But the people out there in the real world just feel as if the opportunity for voluntary prayer is something they ought to have.

We are up here arguing all of the constitutional niceties. But those people in the real world read the Constitution. They have heard what the Constitution says. They do not understand why we should not be able to have voluntary prayer in our schools.

The speeches you have heard from the Senator from Rhode Island and the Senator from Missouri are excellent, eloquent speeches. And others are going to speak.

I want to emphasize that everyone who has spoken against this amendment voted against it last time. I have the list. Every speaker opposed to the amendment was among the 22 who voted against it earlier this year; 75 U.S. Senators voted for this identical language the last time we voted on it.

Let me run through a little of the chronology of what has happened on this amendment. On February 3, 1994, the Senate voted 75 to 22 in favor of this language as a part of H.R. 1804, the Goals 2000 bill. On February 23, 1994, the House voted 367 to 55 to instruct the House conferees on the Goals 2000 bill to accept the school prayer amendment which had been approved in the Senate. On March 17, 1994, the House and Senate Goals 2000 conferees dropped this language and substituted really do-nothing language.

On March 21, 1994, the House voted 345 to 64 to add the language as an amendment to H.R. 6, the Elementary and Secondary Education Reauthorization Act. On March 23, the House voted 232 to 195 not to recommit the Goals 2000 bill and insist that it include the school prayer amendment. On March 25, the Senate voted 62 to 23, right before Easter, in a cloture vote to cut off the efforts by Senator HELMS to restore the original language.

So there is an interesting chronology. There are overwhelming votes repeatedly in the House and an overwhelming vote here in the Senate on this issue.

I want to go back and read something that I read last year. We are arguing over the niceties of what may be allowable or not; let me just read this to you.

> Almighty God, we ask that you bless our parents, teachers, and country throughout this day. In your name, we pray. Amen.

Who does that horrify? Is there something wrong with that? That prayer was prayed by a young lady at Wingfield High School in Jackson, MS, last year on a voluntary basis by a vote of the students. They devised this language. She delivered it over the PA system. The principal, an African-American named Bishop Knox, was fired from his job because he allowed that prayer to be voluntarily developed by the students and presented over the PA system by a lady who I believe was president of the student body. And the principal was fired because he allowed it to happen.

That was clearly a mistake. Here you had a principal that was willing to stand up for principle, for the students' rights, and he was fired in the process. As it turns out, after being out of work for about 6 months or so, a judge has now ordered that he be reinstated, and I presume he will be reinstated with back pay.

The argument was, "Well, you know, we are not certain what the law might provide. You just should not have allowed that to occur." Where have we come? What have we wrought in this country? We pray every day here in the Senate—every day. We do not prescribe the prayer. It might be a Greek Orthodox priest or a Baptist preacher or Jewish rabbi. But we have it every day.

Yet, our students in Wingfield High School in Jackson, MS, are told they cannot say that harmless prayer for their parents, their teachers, and their country. What are we doing here?

We say, "Oh, it is perfectly okay to have sex education." That goes way beyond anything I would ever approve of. It is all right to advocate condoms in the high schools. It is all right to have kids running up and down the halls carrying guns. It is not all right to try to get order and discipline in the schools.

The headlines in Mississippi newspapers earlier this year:

> Seventh grader arrested after roaming halls with loaded pistol.

> Philadelphia, MS, Central High School ninth grader shot a classmate moments after the two were told to stop arguing and go to class.

I am saying this is something not only in Washington or New York or California. It is right in my home. I am not saying there is a direct parallel between prayer in schools and these other events. But there is a curious coincidence of how things have changed since I was in high school in the late fifties, when we had prayer every day at the beginning of the school day over the PA system. It was a part of getting everybody to sit down and be still and get order, and get in the proper frame of mind.

I feel that from that moment to this, the quality of education, the discipline of education, the type of education, has all been going downhill.

So I think constitutional scholars can make great arguments about what can be allowed and what cannot be allowed. All I know is because of some court decisions that we had in the sixties, and occasionally since then, it is uncertain when you can have a prayer, what you can say in the prayer, or who can say it. The net result is that there is less of it. The schools basically cannot have it. And 4,000 students, on their own, demonstrated after that principal at Wingfield High was fired because he stood up for the students.

Do you know why it is important that we cut off funds? Because it is a violation of the Constitution when people are told that, in effect, they cannot

pray. If a school violates the Constitution and prohibits a prayer like the one I just read, then I do think serious action should be taken.

Mr. PACKWOOD. Madam President, will the Senator yield for a question?

Mr. LOTT. Yes.

Mr. PACKWOOD. I supported the Helms amendment before. I may do so again, or I may not. It depends on the answers. I hope that I do not stop learning.

Who makes the decision as to whether or not the school board is prohibiting constitutionally protected prayer; the school district or the school principal?

Mr. LOTT. I presume that could be done when it is requested, when a matter is of concern and people raise questions with Federal officials, through the administration. If that is not satisfactory, I presume it would go to court like the current efforts to try to block prayer.

Mr. PACKWOOD. OK. Here is my question: A student, teacher, whatever, thinks they have a right to do a constitutionally protected prayer. It is an honest debated issue as to whether it is constitutionally protected or not. You are the principal. Do you say, "That is constitutionally protected, go ahead"? Is that the end of it? Or does somebody say, "The principal does not know what he is talking about, I am going to sue"? I want to know at what stage are funds cut off, when is a decision made, and does that decision become a decision upon which the funds can be cut off?

Mr. LOTT. I presume if that suit is filed and it goes to court and a ruling is made, it would be cut off. Or if an investigation is made by the administration, and a determination is made, then the funds would likely be cut off.

But think about it the other way around. Here is a principal that allowed a prayer to be offered, and he lost his job. That is when the decision was made.

Mr. PACKWOOD. I understand that. I agree that that was wrong. I am trying to find out who is going to make the decision. There was a famous cartoon in the New Yorker 10 or 15 years ago where there were two guys sitting in a bar, and the first says, "We ought to line them up against the wall and shoot them."

Mr. LOTT. Who makes the decision now?

Mr. PACKWOOD. The second person says "Who?" The third person says, "Commies, pinkos, radical libs." The second person says, "No, who ought to line them up and shoot them?"

I want to know who is going to make the decision that the prayer is not constitutionally protected? Are we going to have somebody in the Department of Education do it?

Mr. LOTT. We very well could have. I do not feel particularly comfortable with the courts making that decision, but they may.

Mr. PACKWOOD. They may. I am wondering. I do not know if I feel more comfortable with the Department of Education making that decision.

Mr. LOTT. Somebody has to make that decision. I will tell you who I prefer make that decision: The students and the parents and the administrators at the local level are the ones who should make the decision.

Mr. PACKWOOD. As to whether it is constitutional.

Mr. LOTT. No, as to whether or not they want a prayer, or whether it is a voluntary prayer, or what goes into the prayer.

Mr. PACKWOOD. I have no quarrel with that. But you would not want them making the decision as to whether it was constitutional?

Mr. LOTT. Unfortunately, that would have to be made by the courts, or by the Department of Education, or some lawyer in the Department of Education. Again, that does not make me very comfortable, but there must be some process.

Mr. PACKWOOD. I agree. If the process is a court process—and for better or worse I would rather settle it there—should the money be cut off before the finality of the court process?

Mr. LOTT. I presume not. The determination has to be made.

Mr. PACKWOOD. Is that the distinction between the Helms amendment and the Kassebaum amendment?

Mr. LOTT. I emphasize this, too. I understand what the Senator from Kansas is trying to do, and I plan to vote for her amendment. I think we need to have the clarification she is trying to get in her amendment. But I do not think that prohibits the second-degree amendment from being offered and accepted at the same time. I think they basically support each other.

Mrs. KASSEBAUM. Madam President, I hesitate to interrupt, but I have a question.

Mr. LOTT. I will conclude, and I will yield the floor. I am sure we are going to have a lot more discussion, as we should, about exactly how this would work and who would make the determination. The determination has to be made at some point.

I reiterate what I said in the beginning. What we are talking about here is whether or not a prayer like the one I read can be offered:

> Almighty God, we ask that You bless our parents, teachers, and country throughout the day. In Your name we pray. Amen.

That is all I am trying to accomplish. Do you have a better way to accomplish that and make sure it is allowed, without having the principal fired? I want to hear it. This amendment would allow it.

I yield the floor.

Mr. PACKWOOD. Madam President, I ask the Senator from North Carolina a question in all seriousness. I am opposing the amendment of the Senator from Mississippi. The Senator knows I supported his amendment before. Who makes the decision?

Mr. HELMS. Who makes it now?

Mr. PACKWOOD. The courts.

Mr. HELMS. They would make it in this case if it ever came up. You might say: What are you going to do if 40 skunks go running through the Chamber? Who is going to stop them? What are you going to do about this or that?

The truth is that it is never going to come up because the principal will be freed of any reluctance to permit voluntary, constitutionally protected prayer.

Mr. PACKWOOD. If she knows what it is.

Mr. HELMS. He or she does not have to know what it is. If somebody does not like it, they challenge it. We put the shoe on the other foot.

Mr. PACKWOOD. I am curious. If a principal runs the risk and thinks to herself: I am not sure if this is constitutionally protected prayer, so I better allow it because my funds are going to be cut off. And she has to make the decision herself, as to whether funds are going to be cut off, and whether it is a constitutionally correct decision or not, she has to make it.

Mr. HELMS. So what? Is it the end of the world if you have some children pray?

Mr. PACKWOOD. No.

Mr. NICKLES. Regular order, Madam President.

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. NICKLES. The rule of the Senate is that Senators will speak through the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is correct.

Mr. PACKWOOD. I ask unanimous consent to speak to the Senator from North Carolina.

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

Mr. PACKWOOD. I want to make sure that the school principal is not put in a real Hobson's choice position.

Mr. HELMS. Do not lose any sleep over it, Senator. It is not going to happen.

Mr. PACKWOOD. I am not sure.

Mr. HELMS. Please worry about the Senator from Mississippi who is inspired for permitting it.

The PRESIDING OFFICER. The Chair advises the Senators to address the Chair rather than each other.

Mr. PACKWOOD. I asked unanimous consent to address him.

The PRESIDING OFFICER. That is correct, you did. However, you should address it through the Chair.

Mr. PACKWOOD. I realize that is the rule.

I ask unanimous consent that I might have a little colloquy with the Senator from North Carolina.

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

Mr. PACKWOOD. Thank you. You are the school principal, or I am the school principal. A student comes in, and they want to do a prayer. You are not sure if it is constitutional or not; you are not a constitutional expert. You are worried about arguing with the school board about money all the time. And you are afraid your money might be cut off if you prohibit a constitutionally protected prayer. Normally, that kind of a decision would not face a school administrator until a court had made a decision as to whether it is constitutional or not. It is unusual to put a school administrator in the position of losing his or her money ab initio, at the start, right now, if he makes the wrong decision. Unless you are saying that there really is no court review of this, you are going to lose your money now, and it does not matter what the court is saying later. This is confusing.

Mr. HELMS. Please be not confused. The amendment does not even imply that. I am saying to you that we put the shoe on the other foot and give the advantage to the principals who want to permit the school prayer but who are intimidated and do not permit it now under the present situation.

Mr. PACKWOOD. And we want to put the shoe on the other foot then, Madam President, by saying that they do not need to be intimidated. If they allow constitutionally impermissible prayer, the impermissible prayer will be allowed and the funding will continue until a court says no—if I understand it correctly.

Mr. HELMS. Is the Senator asking me a question?

Mr. PACKWOOD. Yes, because I am confused.

Mr. HELMS. Please note that there is a question mark there.

Mr. PACKWOOD. Yes.

Mr. HELMS. All right. The answer, of course, is that if you want to make legislative history, this thing will, of course, be decided—if such a farfetched scenario should occur—by the proper authorities, a judge, a Federal judge.

Mr. PACKWOOD. The money would not be cut off until the judge makes that decision.

Mr. HELMS. Of course not. It would be adjudicated.

Mr. PACKWOOD. That is important history. As I read the amendment, it is going to be cut off before the adjudication.

Mr. HELMS. How do you get that impression?

Mr. PACKWOOD. It says:

"* * * 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 * * *."

If you are saying that the student wants to pray, the administrator says no. No. The principal says, no, you cannot do that. That is constitutionally impermissible. The student says it is permissible. And the principal says it is not permissible. That money is not cut off until that is adjudicated by a court.

Mr. HELMS. How many times does the Senator think that case will happen?

Mr. PACKWOOD. I do not know.

Mr. HELMS. It will never happen. It will never happen.

May I answer his question?

The PRESIDING OFFICER. The Senator may.

Mr. HELMS. I thank the Chair.

The school principal is in the position now that if he makes the wrong decision, there comes the American Civil Liberties Union with the threat to take him to court and the principal will lose hundreds of thousands of dollars in school funds defending against the lawsuit.

Mr. PACKWOOD. But he will lose——

Mr. HELMS. I say it is a matter of the shoe being on the other foot. Now, the ACLU's threat of thousands of dollars in litigation expenses means that school principals almost always say no to school prayer even if it might be constitutionally permissible. My amendment balances the ACLU's threats by saying if the school principal automatically decides against constitutionally permitted prayer, the school could lose thousands of dollars in Federal funds. That is the intent of my amendment, to make school officials stop automatically capitulating to the ACLU's threats.

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

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. PACKWOOD. I am happy to yield to the Senator from Mississippi, yes.

Mr. LOTT. He also runs the risk of losing his job. This is the point I am trying to make. Again, we are trying to shift the burden. Now all the pressure is not on allowing prayer.

Mr. PACKWOOD. Yes.

Mr. LOTT. We would like the emphasis to be the other way where the principal would think: "Look, the students want this prayer. I am going to allow it to go forward. And if someone does bring legal action, then so be it."

But now all the pressure is the other way. The pressure is against allowing prayer.

Mr. PACKWOOD. Here is what I want to make sure.

Mr. LOTT. It is possible for permission to go the other way.

Mr. PACKWOOD. I want to make sure that no funds are going to be cut off until this is adjudicated. The fact that the principal says go ahead with the prayer and a lawsuit is brought, or a Department of Education person makes a decision you made a wrong decision, "We are cutting off your funds," that will not happen. The principal can opt on the side of the prayer in school. In the long run, it may be found to be unconstitutional, but the principal opts on the side of the prayer. They do not lose any money.

Mr. LOTT. Right.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. PACKWOOD. I yield the floor.

Mrs. KASSEBAUM. I would just like to ask the Senator from Oregon a question. Did he not just make the case for my amendment, because under my amendment, funds will be cut off only when a willful violation is found?

Mr. PACKWOOD. That is what I thought.

I did not know whether I was making the case for the Senator's amendment or not, because I thought initially, as I understood the amendment of the Senator from North Carolina, that the funds could be cut off before there is any judicial determination.

The Senator's amendment says, in essence, you are reaching the same substance as he is on permissible prayer. You are in favor of permissible prayer. You do not want the school to run the risk of losing any money until the court says it is permissible or not permissible. It sounds like they are saying the same thing, but I am not sure.

Mrs. KASSEBAUM. I thank the Senator from Oregon.

I do think he makes a point that there is a difference, because my language requires that funds be cut off only if there is a willful violation. Schools would not lose money if the schools followed the court's ruling and corrected the situation.

So I thank the Chair. I thank the Senator.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Madam President, I think that the answer to the point that was made by Senator PACKWOOD is clear. The answer is that under our Constitution, courts only can adjudicate real cases in controversies. Courts cannot, under our Constitution, give advice or opinions about some future state of affairs. They adjudicate cases. Cases are brought under sets of circumstances under complaints that are filed, stating certain facts that have already occurred, not asking for advice as to the future.

So the only way that the Helms amendment can be read, is that a set of facts would occur and that the principal would have to guess as to whether those facts are constitutional or not constitutional.

The way that this would come up in the real world is that students would ask to participate in some sort of prayer event. And the concern of the principal or the superintendent of that school district would be, "Am I going to lose money?" Any close call would

be resolved in favor of letting the prayer go forward because otherwise the fear would be, "I am going to lose my money." And maybe the principal would not want to do that.

The Senator from Mississippi said he thought that this should be decided in the individual school districts. The fact of the matter is that this amendment is a Federal mandate. It is absolutely the typical Federal mandate. It says:

Do things our way or you lose your money, not after a court decides at some later event. You lose your money now.

That is the way a principal would have to decide it. Let us say that the principal is in a school district which is poor. In fact, the principal in question would be in a poor school district because poor school districts are the ones that get Government money, not the rich school districts. These are poor school districts. They probably do not have a wealth of legal talent to draw on. They probably cannot pick up the phone and call the leading law firm.

So the principal or the superintendent is going to have to make a decision, not based perhaps on great constitutional analysis.

The principal might decide, "Well, if I had my own call, I would not want to have prayer going on in my school."

Let us say that this is not only a poor school district, which it almost certainly would be, but let us say that this happens to be a school where all hell has broken loose. Let us say that this is a school where there are gangs. Let us say that exactly the set of circumstances postulated by the Senator from Mississippi is the case in this school district. Kids hate each other. They carry guns to school, if they can get into school with guns. This is a violent type of situation. And let us say that there are some Protestant kids and some Catholic kids or some Christian kids and some Jewish kids, and they do not like each other. And the principal says, "I would just as soon not have religion break out in this fashion in my school."

Some of the kids will say, "Well, we want to have a classroom," or "We want to use the PA system to have our prayers. And the principal says: I really do not want that to happen. But I know what I cannot do. I cannot make a decision that risks losing my money, not in this poor school district. I cannot risk having my money turned off."

So the answer is: Go right ahead. Go right ahead and do it, not because I think it is a great idea, but because word has come down from on high that I must do it this way.

Word from on high. Not, Madam President, from the heavens, but from the next level of on-highness, Washington, DC. The Congress of the United States has conditioned your Federal funds yet again on doing things our way.

We have made the decision. We have heard it on the floor of the Senate. What is wrong with school prayer, we say? We are Senators. We have the answers. Oh, do not bother us, Madam Principal in Joplin, MO, or in Greenville, MS. Please do not bother us with your opinion on this. We have made the decision, and the decision is, "Why, prayer is good."

Madam President, obviously I believe that prayer is good. But I also believe that the very root for the word religion is the same root for the word ligament—it is what binds things together. But, unfortunately, in practice, religion is not necessarily what binds things together. Religion is often the cause of driving things apart. And it is true all over the world. We had the King of Jordan and the Prime Minister of Israel here in the Capitol yesterday. What is all that about?

Or how about Northern Ireland, where Protestants and Catholics kill each other and people bomb school buses?

Religion, unfortunately, can be that which drives people apart. And the great challenge in this diverse country is not to figure out new ways to drive people apart. It is to figure out how to hold people together.

There are religious schools and they are wonderful schools. They are all over the country. People know what they are getting when they go to religious schools. But if it is not a religious school, the insertion of religion can drive people apart and create a lot of damage.

The Senator from Mississippi read a prayer that was read in Mississippi. Was that a bad prayer?

Quite frankly, it was not much of anything. It was kind of bland and innocuous. So what is so great about it? Are we saying, "Well, what's wrong with religion, because, hey, here is a prayer that is bland and innocuous? We like innocuous prayers. Innocuous prayers are good. They cannot do any harm. They are bland. Who can take offense at something bland?"

A lot of religious people would say, "Well, that is not much of a prayer."

But when I think about this debate, I think about something that was not very bland. I did not think about it at the time, but when I was growing up I went to a private school in St. Louis. It was not a church school. It was just a private school. We had what we call chapel, but it was not really chapel. It was just sort of announcements and somebody would make a speech or something.

But we would always start chapel with a hymn and a prayer. And the most popular hymn that we sang in that chapel was "Holy, Holy, Holy." "Holy, Holy, Holy" is a great Christian hymn. "Holy, holy, holy, Lord God Almighty! Early in the morning our song shall rise to Thee," and so on.

And there is a line in it, "God in Three Persons, blessed Trinity." "God in Three Persons, blessed Trinity." Seemed OK to me.

But there were Jewish kids in that school. There were Jewish kids in that school. And I think about that after the fact, and I think, What were we doing? What were we up to? Were we so insensitive about those kids that we sang that hymn?

Religion is supposed to draw people together but, in the real world, it can drive people apart. And in the real world, things are falling apart as it is. In the real world, we have Farrakhan. In the real world, we have people who paint swastikas on synagogues. In the real world, we have racism. In the real world, we have people going every which way.

And the great genius and the great challenge of this country is to keep that world from fracturing beyond all recognition. We are not going to do that if we have people uttering prayers in public schools.

Senator CHAFEE asked, "What is the definition of constitutionally protected prayer?" Those are the words used in this amendment—"constitutionally protected prayer." What does it mean?

There is no manual on this. A principal cannot turn to a manual and say, "Oh, constitutionally protected prayer. Well, I've looked it up. That is not permissible." Principals cannot do that. It is a very, very fuzzy situation.

Try to figure it out. Call the finest law firm and try to figure it out, much less ask a principal what is constitutionally protected prayer.

How is the principal supposed to know the answer to that question—is this constitutionally protected or is it not constitutionally protected?

So a student comes into the principal's door and says, "I want to use the PA system." Is that constitutionally protected?

We have had votes in the Senate about whether Jewish soldiers can wear yarmulkes. I did not think they should, because I think that there has to be a degree of uniformity in the armed services.

But is it constitutionally protected to wear a yarmulke?

Would it be constitutionally protected if somebody said, "My religion requires public testimonials. In exercising my religion, I believe in public testimonials. I have a constitutional right to do it." Is that constitutionally protected?

"You decide, Madam Principal or Mr. Superintendent, but you better decide in favor of constitutionality, because if you decided wrong and it is later adjudicated, too bad. You are in the poorhouse. You have guessed wrong. Close your doors."

This is not simply a matter of making things even in this question. This is a Government mandate—"Do it our way or lose money."

Government mandates do not make things even. Government mandates are

designed to require some actions. And this particular Government mandate is designed to open up school prayer, particularly in poor school districts. This is not innocuous. It is not an innocuous amendment. It is a bad amendment. It is a pernicious amendment. It is a harmful amendment.

Please, let no Senator come to the floor and say, "This is innocuous. What's wrong with a little prayer?"

It is a Government mandate. It is a Government mandate that will be obeyed. It is a Government mandate that will take decision making out of the hands of the local public school officials. And it is a Government mandate that may well cause more fracturing, more divisiveness, more problems, not less in our public schools.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Senator from Missouri for that extraordinary presentation. Regretfully, Senator DANFORTH will not be with us next year and it may be that an amendment like this one will be offered again next year. It will be a surprise if it were not. And we will miss Senator DANFORTH for many reasons, but none more important than for the kind of presentation he has just made.

I came early in the debate this afternoon and decided to stay and hear the arguments presented. There will soon be a time agreement, so I sought recognition now to make a few comments. But there is not a great deal more to be said on the basic approach and the importance of not having a government engaged in the establishment of religion than what Senator DANFORTH has already said.

It is the very first line of the very first amendment to the U.S. Constitution, "Congress shall make no law respecting an establishment of religion. * * *" That now applies to the States as well. And Senator DANFORTH has outlined the reasons why it is important that there not be religion in the schools, which makes arguments just as it has made wars, as the references which the Senator from Missouri made to the enormously impressive ceremony in the Capitol yesterday when Israel's Prime Minister Rabin was present with Jordan's King Hussein to make peace. And the purpose of eliminating religion in our schools, eliminating the establishment of religion by the Federal or State government, is to promote tolerance, to recognize diversity in America, and to respect that diversity.

The Statistical Abstract of the United States, based on the U.S. census, reports that 19 percent of the people in America are not Christian. There are some who talk about America being a Christian nation, but that just does not bear up under the statistics. Americans belong to other religions, or they do not subscribe to any of the Christian religions, so that about 50 million people in this country do not subscribe to the proposition that there is a Christian nation here.

When Senator DANFORTH talked about prayers in the private school that he went to, which were insensitive to minorities, it reminded me of when I went to school in Wichita, KS, and heard school prayers when I was in the first grade, as I was on the other end of the line from what Senator DANFORTH describes.

We have fought the issue of a constitutional amendment for school prayer, and it has been defeated in the U.S. Senate. I recall, in 1983, having that discussion with President Reagan, about what went on in schools in Illinois when he was in public schools and I was a youngster in public schools in Wichita, KS. We have moved to the point where the constitutional principle is firmly established, that there are severe limits as to school prayer.

I think the discussion this afternoon has been of a very high level, almost uniformly. There has been a recognition by all of those who have spoken that there is a constitutional doctrine of separation of church and State. I think it is important that be recognized, as it has been recognized on the Senate floor today, because there are some in America who say that there is no constitutional doctrine of separation of church and State. There are some who say that it is a lie that there is a constitutional doctrine of the separation of church and State, that it is a lie of the left that there is a separation of church and State in America.

There is no doubt about the constitutional doctrine of separation of church and State, and the Supreme Court's having made that clear by upholding Jefferson's statement that a wall of separation exists between church and State. It is a matter we often inquire into in some detail as, for example, during the confirmation hearings of Judge Breyer.

It may be that there is not a great deal of difference between the amendment by the Senator from Kansas and the second-degree amendment by the Senator from North Carolina, as the conversation, as the dialog has evolved where there have been statements by a number of Senators—the Senator from Mississippi, the Senator from North Carolina—that it would take a judicial determination to know what is constitutionally permissible. But who knows what the Supreme Court across the green will do if they do not look to legislative intent and do not pay any attention to what the CONGRESSIONAL RECORD says for July 27, 1994? That is why I think the amendment offered by the Senator from Kansas is by far the more preferable.

I voted against the amendment offered by the Senator from North Carolina back on February 3 of this year, and I did so because of my judgment that it was just not possible to tell what was constitutionally protected prayer. That is why I came over this afternoon, to comment about it in terms of a number of the cases which have been decided by the Federal courts after the Supreme Court handed down Lee versus Weisman, which left some latitude, perhaps, for prayer in school.

There was a case in the Court of Appeals for the Fifth Circuit, which upheld a school board resolution which provided that:

> The use of an invocation and/or benediction at high school graduation exercise shall rest within the discretion of the graduating senior class, with the advice and counsel of the senior class principal; the invocation or benediction, if used, shall be given by a student volunteer; and consistent with the principle of equal liberty of conscience, the invocation and benediction shall be nonsectarian and nonproselytizing in nature.

There was an opposite decision reached by the Court of Appeals for the Third Circuit.

The fifth circuit decision is Jones versus Clear Creek Independent School District. An opposite decision was reached by the Court of Appeals for the Third Circuit in ACLU versus Blackhorse Pike Regional Board of Education.

Similarly, opposite decisions have been reached by the U.S. District Court for the District of Idaho in a case captioned Harris versus Joint School District, in which that Federal court said that it was permissible to have a prayer where the senior students themselves, not the principal, determined every element of their graduation including whether or not a prayer would be a part of the ceremony, and if so who will say it. About the same kind of situation was turned down by the U.S. District Court in the Eastern District of Virginia in a case captioned Gearon versus Loudoun County School Board, where the court said that it was not sufficient to pass constitutional muster to have the prayer delivered by students, when they were student initiated, student written, and student delivered.

So there is no easy definition as to what is constitutionally protected prayer. That is so because the Supreme Court of the United States said, in Lee versus Weisman, "Our establishment clause jurisprudence remains a delicate and fact-sensitive one," which depends upon what the facts are in order to make a determination because of the delicacy of the judgment under the establishment clause.

So it seems to me that it is important for the Senate to recognize the constitutional doctrine of separation of church and State. I think that has been done either explicitly or implicitly by every Senator who has spoken here

this afternoon. And if we are to have a cutoff of public funds, it ought to be in accordance with our customary way of deciding disputes, when there is a judicial decision. That is the way we operate in the United States. That is why it is my view the amendment by the Senator from Kansas is preferable to the amendment by the Senator from North Carolina.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, as has been the case with the Senator from Pennsylvania, I think it appropriate to begin remarks in this connection with a reading of the first part of the first amendment to the Constitution. It says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *.

In other words, in the Constitution there are two balanced provisions on religion in public life or with respect to laws which we pass: One on establishment, prohibiting such an establishment; and one on any kind of law which prohibits the free exercise of religion.

It has been my conclusion over a number of years that the Supreme Court of the United States has not adequately or properly balanced these two considerations; that it has been so fierce in enforcing the establishment clause that it, for all practical purposes, at least within a school context and, to a certain extent, within a broader set of public context, has read out of the Constitution the free exercise clause itself.

It is so exalted and expanded in its reading of the free exercise clause that we have reached the point at which religious speech of any kind is almost totally prohibited in a school context.

Many of the recent decisions of the courts have not involved prayer. It has for so long been accepted that the Constitution of the United States prohibits any formal school-sponsored prayer that we move well beyond that to the context of speeches by students at school events, graduation ceremonies, prayers led by the members of a football team before a football game, that most schools now, in attempting to follow the Constitution, will say that the rights of free speech simply do not exist in schools in a religious context.

Most schools, encouraged by some courts, will not allow a student valedictory address which speaks to the religious faith of the individual student making that address. They question whether or not in a speech class, in a class in a school at which students are required to speak about themselves and the factors that motivated their lives, whether they can speak to religion. They can speak to their political opinions, to their opinions on a wide range of social questions and issues, but in many schools, they would be prohibited from reading a paper on the influence of organized or other religion in their own lives.

This I find troubling. This I criticize in the direction and the impact of the decisions of the Supreme Court of the United States. But in this respect, I recognize that they, not I, not we collectively, are the final readers, the final authority on what the Constitution means.

Beginning with that context, I get to my listening to the debate here, and we have listened to a parade of horribles. We have listened to the proposition that a school district threatened potentially with the loss of funds will not be able to deny the student the right to grab the student microphone and give a sermon in the morning to all the other students whether they like it or not.

Mr. President, does the other part of the first amendment, the free speech part of the first amendment, guarantee to the student the right to grab that microphone in the morning at school and read a speech as to why he wants students and the teachers to vote for Republican candidates in the next election? Or make any other speech? Well, of course, it does not. That is not a right guaranteed by the first amendment's freedom of speech, and it clearly is not a constitutionally protected right under this amendment, as awkwardly or as clearly as it may be drawn.

If this amendment, guaranteeing the right to engage in constitutionally protected religious activities, is unclear and fraught with danger in the schools, so equally is the balance of the first amendment with respect to anything else a student or teacher wishes to say.

The practical answer is that school authorities do not have to guess in this connection, and in 99 cases out of 100, the answer will be extremely clear.

It is highly doubtful that in this or any other administration funds will be cut off except with respect to obvious bad faith in decisions that are made in this connection.

This Senator, though he is speaking on this subject, must say that he does not believe that prayer, whether institutionally formulated or as a result of a volunteer statement by an individual student, is likely to do much for the character and development of other students. Nor does he think that it is likely, when it is completely a spontaneous student activity, to be any more controversial with other students than our statements on politics or about sex or about next Saturday night or a social event in the schools. The danger that individualized activity of this sort is going to be overwhelmingly divisive seems to this Senator not to be seriously subject to consideration, except perhaps in debate on the floor of the U.S. Senate.

So I do not know that even if the practice of schools were to be changed by the adoption of the Helms amendment that it would have much impact on the schools, and I do not think practices in the schools are likely to be very much changed by this amendment, aimed as it is at prayer rather than at speech in general.

But I must say, with all respect for my usual seatmate and friend, the distinguished junior Senator from Kansas, I think that her amendment is, for all practical purposes, totally meaningless because her amendment deals with the subject of school prayer only after a court has already ordered that it is constitutional and must be permitted. Under those circumstances, every school district subject to such an order is going to permit whatever that activity is. I do not know why we have to take their money away from them under those circumstances. They are not going to be violating the law after a district court orders them to permit a certain kind of activity.

So either the amendment of the Senator from Kansas is meaningless because it is not going to change activities anywhere, or it is actually destructive because it will take money away from schools, perhaps retroactively, when they will obviously abide by the decision of the court in any event.

What is the answer to this question? I think the answer to this question is that schools inhibited by many of these Supreme Court decisions are much more likely to deny the constitutional right of individuals to freely exercise their religion, however that may be defined by the courts, than they are to establish a religion in their schools. They are far more likely to err on the side of saying you cannot say this, you cannot do this and thus to violate the free exercise clause than they are to say, "Oh, go ahead, we'll sponsor something which will ultimately be found to be a violation of the establishment clause."

So I guess I reach this conclusion: Even though I do not think that the Helms amendment will change very much in its present form, and even though I have serious questions about whether or not the Kassebaum amendment is positively negative, destructive, I intend to vote for both of them, with the hope that, unlike the situation in the conference committee on Goals 2000 where this subject was summarily dismissed without even really being discussed in the conference committee itself, that the adoption of both of these will motivate both the Senator from Massachusetts and the Senator from Kansas to come up with a proposal that is meaningful with respect to the free-exercise clause and which gives some guidance to schools that they ought to promote the free-exercise to exactly the same extent that they should prevent the establishment and perhaps go beyond the narrow word

"prayer" to what, in a pluralistic society, even school kids ought to be allowed to discuss and to speak about their own attitudes toward it as a constructive part of their education.

I have not written such an amendment. I am not exactly sure how such an amendment should be cast. But I do think if we simply reject the Helms amendment, we have just for another year said this does not matter, this does not matter at all. And I believe it does matter. I believe this body ought to be seriously considering the relationship in a school context of the establishment clause and of the free exercise clause, and I think we ought to be encouraging school districts to give equal attention to both probably without the kind of penalties that are included in both of these amendments. But if we defeat either or both of them, this issue is just going to go away. If we pass both of them, this is an issue that they are going to have to seriously consider, get good constitutional advice about—and they can get that if they are in a poor school district—and come up with something that actually helps the situation rather than destroys it.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend and colleague, Senator GORTON, for an excellent speech. I just wish that our colleagues had listened to that speech. I think he was right on target.

He talked about the Supreme Court, and he has a great deal of knowledge and legal wisdom in dealing with the Court. But he talked about the emphasis on the first amendment and I would say the overemphasis on the first amendment of the Supreme Court in past cases dealing with the establishment clause.

The first amendment says Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof. Senator GORTON just very plainly said they have had all of their decisions weighted toward the establishment of religion and basically ignored the free exercise clause of the first amendment.

I find that to be very regrettable. We have heard a couple of colleagues mention the Lee versus Weisman case.

Mr. President, I did something kind of unusual—I do it once or twice a year. I visit the Supreme Court when there is a case of real interest—I sat in on the arguments on Lee versus Weisman. I found it to be very interesting. I also was kind of optimistic. Some people talk about this conservative Court appointed, some of the members, by President Reagan and President Bush, that maybe they are going to make for a different result than what we have had in some of these other prayer-in-school cases, and I was hopeful that they would. I thought they weighted all their decisions on the establishment clause. Now maybe they would have a little attention towards free exercise.

The Lee versus Weisman case, if my memory serves me correctly, was about a rabbi in a school district in Rhode Island who gave a prayer at a commencement exercise. Just for the purposes of making everyone familiar with his prayer—he basically gave two prayers, Rabbi Gutterman—I will read his prayer.

God of the free, hope of the brave, for the legacy of America where diversity is celebrated and the rights of minorities are protected, we thank you. May these young men and women grow up to enrich it. For the liberty of America we thank you. May these new graduates grow up to guard it. For the political process of America in which all citizens may participate before its court systems, where all can seek justice, we thank you. May those we honor this morning always turn to it in trust. For the destiny of America we thank you. May the graduates of Nathan Bishop Middle School so live that they might help to share it. May our aspirations for our country and for these young people who are our hope of the future be richly fulfilled. Amen.

He also gave the benediction that was very similar. I read this prayer, and I read the benediction, and I fail to see how that injures anyone in this country, regardless of their religious affiliation, regardless if they have religious affiliation. I just have a hard time seeing how this prayer could be declared unconstitutional. How have we offended the young people? How have we hurt them? Have we established religion by allowing a rabbi to give a prayer at a commencement exercise? I do not think so. Do we hurt or hinder kids by saying we are going to prohibit prayer? I think there is a real danger there. We are basically telling them in a public institution we think that it is wrong for you to pray.

That is the signal that is being sent. I would venture to say that all of our colleagues have made commencement addresses. I wonder at how many of those commencement exercises there was a prayer. I know when I used to give them years ago they always did. And now more and more schools—and not just high schools, but also colleges and universities, more and more now schools will avoid a prayer.

You ask them why. They say, well, we are afraid we might be involved in litigation. Or we received a letter from the American Civil Liberties Union that advised us that if we had a prayer, be ready to go to court. And although we wanted to have one and although we have had prayer for the last 40 years, we decided we really could not afford the potential litigation, and therefore the board decided we better pass. And we did not want to offend anybody. We did not want any trouble. And we said what good does it do any way because prayers are pretty secular? We try to make the prayer, we ask whoever is giving the prayer to make sure they do not offend anybody, so they probably do not do much good any way. So we decided maybe we should not say it. And they decided maybe we should expand that because—I will tell you, in my State, where we have a lot of football games, and Illinois and Kansas basketball games, we always had a prayer before the high school games. A lot of the high schools are now saying we cannot have a prayer. Why? Because they are afraid of litigation. Usually, those prayers would say, "Hey, God bless"—they would not say "Hey." They would say, "God bless these athletes. We want them to be safe. We want to have a good energetic encounter. We want to be friends. We want to be sports." But now those prayers in a lot of places are not given.

I might mention the Lee versus Weisman decision dealt with a commencement exercise of a middle school, not of a high school, not of a university, and not at an athletic event. These are clearly voluntary enterprises and, in my opinion, in no way is it prohibited by the Lee versus Weisman decision. That is an overinterpretation or an expansion of the decision that, in my opinion, is a serious mistake.

I might also mention the Lee versus Weisman decision was decided on a 5-to-4 basis. It was a close decision as the Court interpreted it—I think an incorrect one.

Now, maybe I am wrong. But I think again a little too much attention on the focus of the establishment clause and still ignoring or not paying enough attention to the free exercise clause, as Senator GORTON alluded to. So I compliment Senator GORTON for his statement. I would just encourage people not to overinterpret what the Court has said.

I think a lot of people, when they say, well, the Supreme Court has allowed prayer in school, are even making a mistake when they say that. Senator Helms alluded to the Supreme Court case, 1962 case, where one Madalyn O'Hair said we do not want to have prayer in school. And if my memory serves me correctly, I think it was in New York, and I think that was a State-prescribed prayer. Some people are alluding to the Helms amendment as this is a State-prescribed prayer, and that is not the case. They ought to read the amendment because the amendment does not say that there will be a state-prescribed prayer.

It does not say that there would be one by any legislative body. It says it be on a voluntary basis and neither the United States nor any State nor any local education agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in public schools.

We do not want bureaucrats writing prayers. I believe that is very important. It also says it is voluntary. I heard my good friend, and I compliment him. And I would certainly concur with Senator SPECTER's statement, Senator DANFORTH made an excellent speech. I do not agree with his conclusion, but I very much appreciate his input and certainly he will be missed in this body.

My friend and colleague, Senator DANFORTH, said that this is a mandate. And if this language is passed, we are going to be mandating that the States will do this.

I do not agree with his conclusion. If you want to look at a mandate, let us look at the bill. There are 900-some pages, and for the most part we are telling schools how to run. We are telling schools how money should be spent. We are telling the schools all kinds of things in the bill that is about 900 new pages of language. There are a lot of things in here where we are telling schools what to do. But what we would like to do is at least allow or change the burden where school districts right now are saying, well, we are so afraid of litigation, we are telling our kids that they just cannot utter the name of God in school unless maybe it is made in vain, and maybe that is protected speech.

We have in our schools now a deplorable situation.

Senator GORTON is going to have an amendment later dealing with school violence. I think maybe it would help to try to solve some of that problem. But schools have no question deteriorated substantially in the last two or three decades. There is a lot more violence. There are a lot more problems that our young people are dealing with today in schools than anyone in this body ever dealt with. I know a lot of the parents are wrestling with some of those problems. There are a lot more drugs. There is a lot more violence. Would allowing voluntary prayer in school hurt?

There are other things going on in school that this Government, and some people in this administration particularly, are pushing, dealing with sex education, dealing with condom distribution, and so on. A lot of us think that is the wrong direction. And, yet, will we not at the least allow the schools or the kids to have voluntary prayer in school? Maybe the penalties are too harsh. They will cut off all funds. Maybe. But I might mention, I know Senator KENNEDY is going to be taking this bill to conference, and I know he is going to drop this amendment. He dropped it last year. He is going to drop it again, no matter by how large a vote it passes, if it passes. I do not know whether it will or not, whether it be the Helms amendment or the Kassebaum amendment.

But I expect that this is the last time we are going to see it. This amendment will probably be dropped off on the way through the Rotunda.

But I think it is an important issue. Maybe the penalties are correct. Maybe we should come up with a different penalty. Maybe we should just pass a law that reinterprets the first amendment saying to school districts: Do not prohibit the free exercise of religion; Federal Government, do not prohibit the free exercise of religion. Are we erring more on the other side?

Right now, schools and public facilities are so afraid they might be taken to court or have some potential litigation that they are afraid to utter the name of God unless it is in vain. I think that is a serious problem. When you have the Supreme Court of the United States saying that Rabbi Gutterman's prayer is unconstitutional, there is something wrong. There is something seriously, seriously wrong.

So I want to compliment the Senator from North Carolina for his attempt to try to send a signal. I also compliment the Senator from Kansas. I think her amendment, while not as good as Senator HELMS' amendment, is better than nothing. I hope that we will send some signal. I hope the courts, I hope Congress, will look at protecting the free exercise of religion.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, it is with some reluctance that I enter into this debate. But it appears very clear to me that we need to try to clarify just what we are talking about here, and what the big distinctions are between the Kassebaum approach and the Helms approach.

We are talking about two different groups, and the question is who should be protected, how should they be protected, and under what circumstances? You have on the one hand that person or group of persons who desire to utilize the schools for prayer. Certainly, that is a noble cause. Then, on the other hand, you have those who are concerned about their children being exposed to religious beliefs that are not their own; who have enough problems with adjustment to their own peers by having these different views.

We have a structure set up now which tries to balance the interests of all of those parties. In this case, if we look at what we are trying to do with these amendments, it is oriented toward protecting those who desire to have prayer in the school. That may get you into several different circumstances. Certainly, if the prayer is to be one which is reflective of a majority of religious beliefs, it may well be easy to have it done. However, if it is not, if it expresses the views of a religion followed by a small minority in the community, then it likely would be difficult.

If you take a look at the Kassebaum amendment, it is rather the traditional, structured approach. It says that if you are abridged of your rights to make a constitutionally protected prayer in the schools, you can go to court. The court can come back, and if they agree with you, they will order the school authorities to cease and desist from allowing you to engage in that prayer. In addition to the other remedies available, probably to ensure better compliance, it states that they may—and I emphasize may—also deny the offending school district the use of all Federal funds derived through the Department of Education.

The Helms amendment takes a quite different approach, and loads the deck very much against the individual who desires to have their child protected from having a religion forced upon them in school. Let us take the realistic kinds of situations we will be talking about here.

You take a small town. They have a school board. It is 90 percent, or 99 percent, Protestant. They have one Catholic or one Jew, or one other religion there. So the parents decide among themselves, "Let us go and get the prayer in the school. We have a law now which says that, in the event the school board denies us the opportunity to make a constitutionally protected prayer, they are going to lose all their Federal funds."

"Shall" is the word in the Helms amendment. They "shall" lose all of their Federal funds—not just the ones under this bill, but all of their Federal funds.

So what is the school board faced with there, whether they are for or against prayer as a matter of policy? Under the Helms amendment, most likely, the school board says, "Hey, this is a heads we win, tails you lose situation. We will just sit back and let things go, if they want prayer, let them pray. If nobody opposes this, fine, we are in the clear and the Federal funds will continue to flow."

Well, who is going to oppose it? Some individual in the school and in the community who feels that the prayer activity will abridge their rights. What are they faced with? Well, if they persuade the school board not to allow the prayer, the board is placed at risk of losing all their funds—shall lose them is what the amendment says. You can well imagine that the voices of dissent, those who are perhaps a minority in number, will be hard pressed to rise up against that kind of pressure. And it is unlikely that many would have the desire to do so.

So if they go to court and they win, they will be run out of town on a rail because they have caused the school to lose all of their funds. If they lose, they have lost all of the pressures—and the money—of trying to do it. But on the other side, those that are desirous of

putting school prayer in have a huge weapon to protect them from lawsuits.

It raises not only the question of whether or not there is constitutionally protected prayer denied, but there is also the question of who makes the decision. I suppose you can battle that in the courts. Was it a reasonable decision, whether by the school board, or by the State agency, or by the Federal agencies? Who is it that decides whether or not it was a constitutionally protected prayer? So you have to go through administrative proceedings first, and then to the courts. What do you do?

But it seems to me that the purpose here is obviously to load the scales so much in favor of those who desire to do so—which is contrary to the Constitution, which is primarily there to protect the rights of the minority—that you cast an incredible burden upon anybody that wants to protest the law to be made by this amendment in order to protect themselves. What it will mean is that the odds of people being able to protect themselves from the abuse of the establishment of religion will end up with really no effective remedy at all as to what they feel they could possibly do without huge detriment to their own situation.

So I think it is clear that the Kassebaum amendment, which we understand relies on traditional procedures of judicial resolution of the critical question, adds an additional remedy of the loss of funds, which is an appropriate and proper one, to protect those who desire to make constitutionally protected prayer in schools; whereas the Helms amendment really provides almost a sham, or almost a veil of protection to those who want to abuse the rights of the minority, and to be able to hide behind the threat of the loss of all their school funds and to argue against those who would like to protect the right.

So I urge my colleagues to vote against the Helms amendment and to support the Kassebaum amendment.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today to support the amendment offered by my good friend and colleague, Senator HELMS. I commend Senators LOTT, GORTON, and NICKLES for their fine statements of support. This amendment requires that no funds from the Department of Education go to a State education agency or a local education agency which has a policy against constitutionally protected prayer.

Senator HELMS offered this amendment to S. 1150, the "Goals 2000, Educate America Act". This amendment was adopted in the Senate by a vote of 75 to 22. However, the House-Senate conference on "Goals 2000", in a hasty manner, adopted so-called compromise language on the Helms amendment which completely missed the mark of the original Senate position. Hopefully, this action will not stand and the Senate now has an opportunity to reiterate its position on voluntary prayer in public schools. This amendment has received strong support from our colleagues on both sides of the aisle and is important to our Nation.

Until the Supreme Court ruled in the Engel and Abington school district decisions, the establishment clause of the first amendment was generally understood to prohibit the Federal Government from officially approving, or holding in special favor, any particular faith or denomination. In crafting that clause, our Founding Fathers sought to prevent what had originally caused many colonial Americans to emigrate to this country—an official, State religion. At the same time, they sought, through the free exercise clause, to guarantee to all Americans the freedom to worship God without Government interference or restraint. In their wisdom, they recognized that true religious liberty precluded the Government from forcing or preventing worship.

As Supreme Court Justice William Douglas once stated: "We are a religious people whose institutions presuppose a Supreme Being." Nearly every President since George Washington has proclaimed a day of public prayer. Moreover, we, as a Nation, continue to recognize the Deity in our Pledge of Allegiance by affirming that we are a Nation "under God." Our currency is inscribed with the motto, "In God We Trust."

Every morning we open the Senate and begin our work day with the comfort and stimulus of voluntary prayer—such a practice has been recently upheld as constitutional by the Supreme Court. It is absurd that the opportunity for the same beneficial experience is denied to the boys and girls who attend public schools.

Mr. President, there is much discussion across this Nation on the breakdown of values and morality. There are concerns of violence in schools threatening the safety of teachers and students alike and undermining a sound learning environment. Of course, school prayer is not the panacea to end all problems, but I am confident that it will considerably add to the well-being and character development of America's children.

This amendment enjoys the support of an overwhelming number of Americans, and I strongly urge my colleagues to support this amendment.

Mr. President, I yield the floor.

Mr. BURNS. Mr. President, it has been an interesting debate this afternoon, if you had the opportunity to sit in your office and listen to it. I would like to offer a couple of comments and go right to the bottom line. We can all sit around here and use fancy words to justify the stand that we take. So call me just one of those old-fashioned people who thinks kids should have an opportunity, if they choose—if they choose—to pray, to take a moment during the school day for prayer or reflection, if they choose. We should protect their right to choose.

Neither of these amendments would force any certain kind of a prayer on any certain student. Neither of these amendments would even require students to participate. That is the bottom line. It is very simple. Let us not flock around the Bill of Rights, let us not turn it on its head, turn it upside down. Let us honor the Constitution. That is what we are saying here.

Maybe in school one day an individual student wants to meet with 2 or 3 of his colleagues and pray; that should be protected. We are not saying they have to. We are saying they have the right to. That is the bottom line. Use all of the arguments and all of the logic that you want to try to turn it on its head; it does not work. That is what we are talking about. What we are hearing here is a lot of legalese that what we are supposed to be doing is taking a look at the Constitution and protecting those rights.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate vote on Senator HELMS' amendment No. 2416 at 6:20 today; that upon the disposition of that amendment, the Senate vote on Senator KASSEBAUM's amendment No. 2415, as amended, if amended, with the preceding all occurring without any intervening action or debate, and with the time between then and now equally divided between Senator KASSEBAUM and Senator HELMS or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, so ordered.

Mr. LEVIN. Mr. President, will the Senator from Kansas yield me 6 minutes?

Mrs. KASSEBAUM. I am happy to yield whatever amount of time the Senator needs.

Mr. LEVIN. I thank the Senator from Kansas. These two amendments that we are going to be voting on are inconsistent. We should not delude ourselves about that fact. The Senator from Kansas has introduced an amendment which has two very distinct advantages over the Helms amendment. First of all, the Helms amendment wades into the thicket of constitutional law relative to prayer and puts at risk a decision of a school board or school administrator, if they, by chance, make the wrong decision relative to one side of the issue.

This is a very complicated issue—school prayer. If it were not, there

would not be so many cases going to the Supreme Court. The fact that it is complicated is proven by the number of cases that are in court on this issue.

But the amendment of the Senator from North Carolina says if you make a mistake relative to your judgment on this, get legal advice which may be found by a court to be wrong, and you are going to lose all your Federal funding. That threat to school boards and school administrators is a major threat; it is a threat which no school board or administrator ought to face, and it is a threat which is avoided by the Kassebaum amendment, which says that only if you violate a court order relative to prayer in public school will you then lose your public funds. If you violate a court order with respect to prayer in school, then you are going to lose your funds. But we are not going to put you at peril if you make a mistake in judgment as to whether or not a prayer is permitted or not permitted. We are not going to put your whole funding at risk if you make that kind of an honest mistake.

The Helms amendment will punish school boards and administrators for honest mistakes in an area which is complicated. Again, if it were not so darn complicated, we would not have hundreds of cases going up to the court as to whether something is permitted or not. So we should avoid this threat, this very unfair threat to school administrators which the Helms amendment creates. That is one advantage of the Kassebaum amendment. The remedy of loss of funds follows the violation of a court order and it does not follow an honest mistake in this area.

There is a second very important advantage to the Kassebaum amendment. The Kassebaum amendment protects the rights of schoolchildren who want to pray and those who do not with the same remedy. The Kassebaum amendment takes into consideration the fact that there are children in this country who want to pray, who have a constitutional right as defined by a court under certain circumstances to engage in voluntary prayer. It protects those students to the same extent it protects students on the other side of the issue who want to be protected from a Government-imposed prayer.

There are constitutional rights in both groups of children, and we should defend those constitutional rights to the same extent and not single out one group for protection, leaving the other group without protection.

The Helms amendment applies the remedy of loss of Federal funding only for one group. It only uses that threat, which is really a nuclear weapon for school boards, on behalf of only one group's constitutional rights and does not use it to protect the other group's constitutional rights.

We should protect the constitutional rights of all children—all children—and there are children on both sides, or all sides of this issue because there are probably more than two sides that have constitutional rights.

I want to just read the language of the Helms amendment because it is so clear here what is being done. The Helms amendment says:

> * * * no funds made available * * * 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—

And here are the key words:

> * * * constitutionally protected prayer in public schools by individuals on a voluntary basis.

And then it goes on to say something very different about the other side of the coin, the constitutional rights of the other children, and here is what it says about those:

> Neither the United States nor any State nor any local educational agency—

According to the Helms amendment.

> shall require any person to participate in prayer or influence the form or contents of any constitutionally protected prayer in such public schools.

But what happens if they do? That is the silence of the Helms amendment. It does not provide the remedy of loss of funding if the second half of that amendment is violated. It is only the first half which results in a loss of funding.

If the right to participate in a constitutionally protected prayer is violated, the loss of funding follows, but if someone is required to participate in prayer, nothing follows. There is no remedy here for requiring someone to participate in prayer which violates their constitutional rights. There is silence. It just simply says do not do it. But what it does not say, what it leaves out is the same remedy to protect people from those violations as it provides for people who have had their constitutionally protected right to pray violated. And that is the second problem with the Helms amendment.

It is that it gives protection to one group with this remedy but does not give protection to the other group that has constitutional rights, the right not to be forced to participate in prayer, the right to be free from Government influence of the form or content of prayer. That group has no remedy in terms of the loss of Federal funds in this amendment. This amendment does not give that group that also has constitutional rights this same remedy. It is only the first group that is given this remedy.

The Kassebaum amendment, on the other hand, protects both groups with the same remedy. The Kassebaum amendment protects the rights of students with respect to prayer in public schools which covers students who wish to pray voluntarily, as well as students who want to be free from a mandated Government-imposed prayer. Both groups are protected by the Kassebaum amendment with a remedy which does not put the school unfairly at risk; whereas the Helms amendment protects only one group and leaves the school boards and administrators in great peril because, if they make an honest mistake in judgment in this complicated area with respect to the one group whose rights are protected by this remedy, then they lose their Federal funding.

So on both counts, the Kassebaum amendment protects the constitutional rights of children who want to engage in voluntary prayer as well as those who want to be free from a Government-imposed prayer—and they both have rights. Make no mistake about it. Under court decisions, there are rights for both groups of children. The Kassebaum amendment protects the rights of both groups of children and avoids the harsh and unfair peril that the Helms amendment would put school administrators and teachers in, that if they make an honest mistake, they will lose Federal funding.

I hope that we will adopt the Kassebaum amendment, after rejecting the Helms amendment. They are inconsistent. They are very different.

And, again, for the reasons I have indicated, I think the Kassebaum amendment is far superior because it protects the rights of all children with a reasonable remedy instead of just protecting the rights of some children with an unfair and harsh remedy.

I yield the floor.

The PRESIDING OFFICER (Mr. CONRAD). Who yields time?

Mrs. KASSEBAUM. Mr. President, I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator has 1 minute remaining under her control.

Mr. WELLSTONE. Then I yield back to the Senator from Kansas if she yielded me time.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I do not need to speak. I do not know who else wishes to speak at this time.

Mr. WELLSTONE. I will take the 1 minute.

Mr. BUMPERS. Mr. President, if the Senator from Kansas will yield, I had hoped to speak for 3 or 4 minutes, but it is not of Earth-shaking importance to me.

Mr. WELLSTONE. Mr. President, if the Senator from Kansas will yield 1 minute, I defer to the Senator from Arkansas that time.

Mrs. KASSEBAUM. Mr. President, then I will yield 1 minute to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator has 5 seconds remaining.

Mr. HELMS. Mr. President, if the Senator will yield, I would like to yield 5 minutes to the Senator from my time if he would be interested in having it.

Mr. BUMPERS. That is most magnanimous of the Senator from North Carolina. I am sure the Senator knows I do not support his amendment.

Mr. HELMS. That suits me fine. Everyone has to be someplace.

Mr. BUMPERS. The Senator is kind. It may get him some votes, for that matter.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. BUMPERS. Mr. President, last year, I supported the Helms amendment. I do not remember the words "constitutionally protected prayer" being in that amendment. I believe that was a second-degree amendment by Senator KENNEDY, which made it considerably better.

But a lot of people jumped under their desks, as politicians always do when prayer comes up in this body, and said, "Well, I don't want to get involved. Senator KENNEDY will drop this when it goes to conference anyway, and no damage will be done."

But I am not going to do that anymore.

I was the only southern Senator in the U.S. Senate to vote against President Reagan's constitutional proposal back in, I believe, 1984 to establish so-called voluntary prayer in school. The problem was that it was not voluntary.

In that very same year, I was up for reelection. That vote was not the most politically propitious thing I ever did. My opponent made much of the fact that I was the only southern Senator to vote against that constitutional amendment.

But on one happy occasion when there were about 1,000 people in the audience and my opponent tried to use that vote against me, I pointed out to the audience what that amendment did. I said: "If you believe that the school board in your local community ought to be allowed not to compose, but to adopt prayers composed by others and send them to the schoolhouse for your children to recite, you vote for my opponent, but I will be lying prostrate on the Senate floor before I vote for an amendment to the Constitution of the United States, which has served us so well for 205 years, that would allow a school board to take prayers from Jerry Falwell or whomever and say, These are the prayers our children will recite at 10 a.m. and 2 p.m. every day."

Now, I will tell you, it was a pretty conservative audience, but they were stomping and cheering by the time I finished, because they understood for the first time what that amendment did.

All the American people want is somebody to talk sense to them. A very powerful and emotional thing, prayer in school.

Right after we defeated that amendment, several of us went to work here to adopt what we called "Equal Access." That is essentially what we are talking about here. We said school districts which allow other extracurricular activities and organizations may not deprive any voluntary group of students who want to pray, have devotions, theological discussions, or whatever of that right.

I went over to the Supreme Court to hear the constitutionality of that bill argued. I had never been there to hear an argument before. The Supreme Court said that it was constitutional. They said, if people want to voluntarily assemble in school for prayer, or whatever, the school board may not deny them that right if they accord the same right to other extracurricular organizations. And that is the law of the land today, and prayer takes place in thousands of schools across America every day.

Both of these amendments refer to constitutionally protected prayer. The Senator from Kansas and the Senator from North Carolina both say you cannot deny students the right to constitutionally protected prayer.

But then, unhappily, the Senator from North Carolina goes on to say: But we will deprive you of another constitutional right. We will take your money away from you without you ever getting a trial and a legal determination as to whether prayer is constitutionally protected or not.

I served on the school board in my community for 12 long years. It was a lot tougher job than being a U.S. Senator. I ran for Governor to get off the school board. We put up with this kind of thing constantly.

And I can tell you that there are a lot of school boards in this country that would violate the Constitution on this issue. Most of them are honest, good people who want better schools. But there are some who would maybe innocently trample on the rights of people who do not want to have to pray or listen to a prayer that violates their faith.

Under the Helms amendment, that school board could also say, "No, you can't pray because this is not constitutionally protected," and they would lose their money without a trial. Nobody here believes that this is a fair method of handling this.

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

Who yields time?

The Senator from North Carolina controls all remaining time.

Mr. HELMS. What is the time situation on both sides?

The PRESIDING OFFICER. The Senator has 6 minutes and 36 seconds remaining.

Mr. HELMS. I thank the Chair.

Has the time for the Senator from Kansas expired?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

Mr. President, how do I respond to a nice guy like DALE BUMPERS? He is so wrong in what he said, but that is all right. I think 80 percent of the American people, and certainly those who are watching on C-SPAN, will know that he is not correct. Nor was Senator DANFORTH, when he intoned that my amendment would be so dangerous. But I shall not be critical of anybody who has criticized the amendment. That is their right.

I will ask unanimous consent, Mr. President, that a list of 12 instances where, under the present system, the rights of children have been violated because they wished to participate in a voluntary prayer but were forbidden to do so.

In Prestonberg, KY, a sixth grade student was denied the right to pray with friends before school.

In Champagne, IL—I call to the attention of my friend, PAUL SIMON—Eileen Unander was denied the right to participate in "See You at the Pole," which is a coordinated, nationwide student event where they gather to pray at their school flagpoles in the morning before school begins.

In Colorado, Becky Renshaw has been told not to mention the word "Jesus" in school.

What happened to her rights, Mr. President?

Nathan Lewis, of Hatfield, PA—I wish Senator SPECTER were here—was selected to speak at his graduation because he was such a stellar student, but he was told that he could not pray during his speech even if he wanted to.

And then there is James Amyx, of Broadhead, KY. He was denied the right to plan a prayer for his graduation, and has been further threatened with denial of the right to pray with other students before school if he pursues the graduation issue further.

Now, I am going to ask unanimous consent in just a moment that this entire list be printed in the RECORD at this time.

But what I am saying, Mr. President, is that we are putting the shoe on the other foot with this amendment. Right now, the students are denied their rights. Hereafter, the administrator or the superintendent or the principal or the school board will have to justify their actions to deprive students of their right of voluntary prayer.

Now, I want to know, what is wrong with the shoe being on the other foot a little bit? For years and years and years, since 1962, there has been such a muddled situation in our schools about what is lawful and what is not concerning prayer—and the ACLU has exploited the situation.

I know that Senator BUMPERS went over to the Supreme Court, because he said he did. And he is like George Washington—he never told a lie. I am sure he found out what he said he found out.

But the fact remains that young people, children all over the United States, have been deprived of their right to voluntary prayer under the present system.

So what I am saying is let us put the shoe on the other foot and let the administrators justify their position, instead of the students being kicked around as they have been.

Mr. President, I ask unanimous consent that this list be printed in the RECORD.

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

1. J.J. Music (Prestonberg, KY)—sixth grade student denied the right to pray with friends before school.

2. Eileen Unander (Champagne, IL)—denied right to participate in See You at the Pole type activity.

3. Becky Renshaw (Kremmling, CO)—has been told not to mention the word "Jesus" in school.

4. Nathan Lewis (Hatfield, PA)—selected to speak at graduation, but told he cannot pray during his speech.

5. James Amyx (Broadhead, KY)—student has been denied right to plan a prayer at graduation, and has been further threatened with denial of right to pray with other students before school if he pursues the graduation issue further.

6. Adam Grecco (Derby, CT)—student denied right to speak to another student about God at school.

7. Bethany Null (Panama City, FL)—special education student told she can not pray over her lunch. Client moved and lost interest in pursuing the matter. File closed.

8. Linda Williams (Tayneville, KY)—valedictorian concerned about censorship of her speech which will include a prayer.

9. Darren Warren (San Diego, CA)—denied right to participate in See You at the Pole. After receiving our information, however, school chose to permit the activity.

10. Matthew Moen (Smithtown, NY)—originally denied right to participate in See You at the Pole. The matter was subsequently resolved.

11. Harris V. Joint School District (9th Cir.)—students plan entire graduation ceremony. All decisions are in the hands of the students, including the decision to have a ceremony. In this context, some students have chosen to include student-initiated prayers. This action was challenged. The trial court decided that the practice is constitutional. The case is currently on appeal. The ACLJ file amicus briefs at the trial court level and with the 9th Circuit.

12. John Walden (St. Petersburg, FL)—student denied right to participate in See You at the Pole. Litigation was avoided when school agreed not to interfere with the activity at the last minute.

Mr. HELMS. Mr. President, the arguments against my amendment fail the test of reasonableness. Interestingly enough, the Supreme Court has never ruled directly on the constitutionality of student-initiated voluntary school prayer. But Supreme Court precedent holds that students have a right to engage in religious activities in the schools if those activities do not materially disrupt other activities in the school.

In 1981, in *Widmar* v. *Vincent*, 454 U.S. 263, the Supreme Court held that religious speech is protected under both the free speech and the free exercise clause of the first amendment.

In 1969, in *Tinker* v. *Des Moines School District*, 393 U.S. 503, the Supreme Court held that students exercising their free speech rights in the school cannot materially disrupt the school day or substantially infringe upon the rights of the others in the school.

In 1990, in *Mergens* v. *Westside Community School District*, 496 U.S. 226, the Supreme Court upheld the Federal Equal Access Act for religious activities in the schools against a challenge against the act by the school which argued that student-initiated religious activities on campus violated the establishment clause in the Constitution. The Supreme Court thus rejected the argument that any student religious activities on school campuses violated the Constitution.

Those cases are still good law, and taken together, make it clear that students have a right to engage in religious activities in the schools if those activities do not materially disrupt other activities in the school day or infringe upon the rights of others in the schools.

I do not find anything in the language of the pending amendment contrary to those Supreme Court holdings and I fully expect that the amendment, if enacted, would be interpreted and upheld in a manner consistent with these Supreme Court precedents concerning student-initiated religious activities in the schools.

Mr. President, I will ask unanimous consent in a moment that two legal opinions on the implications of the Helms-Lott amendment be printed in the RECORD. The first opinion was written by David M. Ackerman of the American Law Division of the Congressional Research Service and is dated February 22, 1994. The second legal opinion was drafted by James Matthew Henderson, Sr., the senior litigation counsel for the American Center for Law and Justice. I ask unanimous consent that both opinions be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit).

Mr. HELMS. Mr. President, Mr. Ackerman provided the followed legal analysis in his opinion:

[W]hile the Court has been clear in holding government to be barred by the establishment clause from sponsoring or promoting prayer in the public schools, it has had less occasion to address the converse issue of what prayer activities must be allowed in the public school, i.e., what prayer activities might be considered constitutionally protected. In general the Court has affirmed that students in public schools do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate"* * * One can surmise, for instance, that it would violate both the free speech and free exercise clauses of the First Amendment for a [school] to forbid a student from praying silently during the school day or, perhaps, even from praying aloud, at least so long as the prayer activity was not disruptive of the school environment and did not connote school endorsement* * *.

Some degree of uncertainty about what is constitutionally protected also attends the issue of commencement prayer* * *. The U.S. Court of Appeals for the Fifth Circuit, as well as a Federal district court in Idaho, differentiated student-initiated and student-delivered prayer at a public secondary school's commencement ceremony and held that kind of commencement prayer to be constitutional. The Supreme Court chose not to review the Fifth Circuit's decision* * *. Thus, student-initiated prayer at commencement ceremonies might for now be considered to be constitutionally protected in the* * * Fifth Circuit and in Idaho* * *.

Would any of the [school prayer] amendments violate the Constitution? None of the amendments appear to be unconstitutional* * *. With respect to the cutoff of funds in the Helms-Lott amendment, it suffices to note that Congress has broad power to impose conditions on the receipt of Federal funds.

Mr. President, Mr. Henderson stated in his legal opinion that:

When public school officials interfere with voluntary, student-initiated prayer, such actions usually result from ignorance; that is, administrators assume that such student religious speech threatens the "wall of separation between church and state." Because the Establishment Clause is a restraint on governmental establishments, not student religious exercises, such school officials act out of an erroneous and fundamental misconception.

Mr. President, it is obvious that school administrators are not the only ones who are ignorant of the constitutionality of voluntary student-initiated prayer in the schools. I suggest Senators read both of these opinions in their entirety.

EXHIBIT 1

CONGRESSIONAL RESEARCH SERVICE,
*Washington, DC, February 22, 1994.*

AMERICAN LAW DIVISION
MEMORANDUM

Subject: Senate amendments to S. 1150 relating to school prayer.

Author: David M. Ackerman.

During debate in early February on S. 1150, the "Goals 2000: Educate America Act," the Senate adopted three amendments relating to school prayer. This memorandum provides a brief analysis of their legal and constitutional implications.

TEXT OF THE AMENDMENTS

On February 3, 1994, the Senate adopted an amendment sponsored by Senators Helms and Lott to S. 1150, the "Goals 2000: Educate America Act."[1] The amendment, which was approved by a vote of 75–22, provides as follows:

"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

Footnotes at end of article.

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 school."

The words "constitutionally protected" were not included in the amendment as first propounded but were added by unanimous consent after an extended colloquy between Senators Helms, Packwood, and Danforth.[2]

On February 4 and 8, 1994, respectively, the Senate adopted two more amendments generally relating to the issue of school prayer—a sense of the Senate amendment sponsored by Senators Danforth, Chafee, and Kassebaum and an amendment by Senator Levin. The sense of the Senate amendment, which was adopted by a vote of 78-8,[3] provides as follows:

"It is 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; for considering what they hope and plan to accomplish that day; for considering how their own actions of that day will effect (sic) themselves and others around them, including their schoolmates, friends and families; for drawing strength from whatever personal, moral or religious beliefs or positive values they hold; and for such other introspection and reflection as will help them develop and prepare them for achieving the goals of this bill."

Finally, the Levin amendment, which was adopted by voice vote,[4] provides as follows:

"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 schools."

LEGAL EFFECT OF THE AMENDMENTS

While the amendment concerning a brief period of daily silence is, as a statement of the sense of the Senate, purely hortatory, both the Helms-Lott and the Levin amendments would have substantive legal effect. The Helms-Lott amendment would bar the Department of Education from making funds available to any State educational agency (SEA) or local educational agency (LEA) that had "a policy of denying, or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis." The Levin amendment, conversely, would prohibit the Department from denying funds to any SEA or LEA which had "a constitutional policy relative to prayer in public school." It is not clear that that prohibition accomplishes anything that would not otherwise be the case, but the prohibition, nonetheless, would be a binding legal mandate.[5]

The amendments raise at least five issues relating to their legal effect. First, are the amendments compatible, or contradictory? Second, would the Helms-Lott amendment cut off all Federal funds flowing to SEAs and LEAs that violate its prescription, or just funding provided through the Department of Education? Third, what does the phrase "constitutionally protected prayer in public schools by individuals on a voluntary basis" in the Helms-Lott amendment mean? Fourth, what does the counterpart phrase in the Levin amendment—"a constitutional policy relative to prayer in public school"—mean? Fifth, would any of the amendments violate the Constitution?

(1) Are the amendments compatible, or contradictory? The amendments appear to be compatible. The Helms-Lott amendment would require that Federal education funds be cut off under certain circumstances, while the Levin amendment would prohibit the cutoff of Federal education funds under certain circumstances. But under both the Helms-Lott and Levin amendments an SEA or LEA that had a constitutional policy relative to prayer in the public schools would be eligible for Federal education funds. Only in the circumstance that an SEA or LEA prevented participation in constitutionally protected prayer, i.e., had an unconstitutional policy relative to prayer in the public schools, would the Helms-Lott amendment require that funds be cut off. The Levin amendment would not proscribe that cutoff. The Danforth amendment, as a statement of the sense of the Senate regarding a brief period of silence in the public schools, is, as previously noted, purely hortatory. But because the policy it recommends is arguably constitutional, it, too, appears to be compatible with the Helms-Lott and Levin amendments.

(2) Would the Helms-Lott amendment cut off all Federal funds flowing to SEAs and LEAs that violate its prescription, or just funding provided through the Department of Education? This issue arose during debate on the Helms-Lott amendment but does not appear to have been clearly resolved. The language of the Helms-Lott amendment states "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. . . ." Sen. JEFFORDS, an opponent of the amendment, twice asserted during debate that this language meant that the cutoff of funds under the amendment would apply not only to funds under S. 1150 and not only to other funds that go through the Department of Education but also to all other Federal funds going to SEAs and LEAs, such as school lunch and breakfast monies from the Department of Agriculture, National Science Foundation grants, NASA grants, and Medicaid funds through the Department of Health and Human Services.[6] No rebuttal of this allegation was made by proponents of the amendment. Sen. HELMS did introduce a legal memorandum from the American Center for Law and Justice several days later which described the funding cutoff of his amendment as applying to "funding under the Goals legislation, and funding under any other act, which is provided through the Department of Education. . . ."[7] But early in the debate he had stated that under his amendment a school district could "lose its Federal funding."[8] the same language appears in the Levin amendment.

The grammatical structure of the language would seem to intend that the phrase "through the Department of Education" applies not only to "under this Act" but also to ", or any other Act,". But any uncertainty in this regard would be eliminated if the commas were eliminated and the word "Act" were used but once: "No funds made available through the Department of Education under this or any other Act. . . ."

(3) What does the phrase "constitutionally protected prayer in public schools by individuals on a voluntary basis" in the Helms-Lott amendment mean? This phrase states the prescriptive standard of the Helms-Lott amendment, interference with which would cause a cutoff of Federal funds. The meaning of that phrase, thus, is critically important.

The Supreme Court has held in a number of decisions that government sponsorship of devotional activities in the public schools violates the establishment of religion clause of the First Amendment. With respect to prayer in the public schools, it has held the constitutional prohibition of government sponsorship and promotion to apply (1) regardless of whether the prayer is composed by the State,[9] is taken from religious literature,[10] or is composed by a teacher or student[11]; (2) regardless of whether students can be excused from participating[12]; and (3) to both regular devotional activities during the school day and to prayers at such singular events as graduation exercises.[13] The proscription has even been held to extend to moments of silence in the public schools where the State has prescribed that the moments are to be used for prayer.[14]

None of these prayer activities, in other words, are constitutionally protected; and SEA or LEA policies or actions to prevent students and teachers from engaging in such activities, thus, would not, or should not, trigger the cutoff of funds under the Helms-Lott amendment.

But while the Court has been clear in holding government to be barred by the establishment clause from sponsoring or promoting prayer in the public schools, it has had less occasion to address the converse issue of what prayer activities must be allowed in the public schools, i.e., what prayer activities might be considered to be "constitutionally protected." In general the Court has affirmed that students in public schools do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate"[15]; but it has also made clear that the first Amendment rights of students in the public schools 'are not automatically coextensive with the rights of adults in other settings' and must be 'applied in light of the special characteristics of the school environment,'"[16] Yet specific rulings illuminating the parameters of those generalities and, consequently, the scope of the standard articulated in the Helms-Lott amendment are few. One can surmise, for instance, that it would violate both the free speech and free exercise clauses of the First Amendment for a SEA or LEA to forbid a student from praying silently during the school day or, perhaps, even from praying aloud, at least so long as the prayer activity was not disruptive of the school environment and did not connote school endorsement. But our research has found no case directly on point.[17]

Other areas involving prayer in the public schools have more decisional authority, but the parameters of what is constitutionally protected or mandated or permissible have not been fully defined. For instance, the Court has indicated in dicta that it would be constitutionally permissible for a State to provide for a moment of silence in the public schools that could be used by students, inter alia, for voluntary prayer.[18] But in the one case in which it considered the issue, it struck down the specific silent prayer or meditation statute that was before it on the grounds the State adopted the statute to promote prayer[19]; and it has so far chosen not to address the issue again. The one subsequent lower Federal court decision also struck down a particular moment of silence statute.[20] Thus, although it seems possible for a constitutional policy relating to moments of silence to be articulated, the courts have not as yet provided certain guidance.

The Court has also explicitly held the free speech clause to mandate equal access to school facilities for student-initiated religious groups at the public college level,[21] but it has not addressed that constitutional issue at the public secondary school level. In

its one pertinent decision it construed the Equal Access Act enacted by Congress in 1984[22] to give student-initiated religious groups at Federally assisted secondary schools a statutory right to meet in school facilities on the same basis as other noncurriculum related student groups, and it held that Act not to violate the establishment clause.[23] But in that decision it explicitly avoided the question of whether the constitutional right it found in Widmar v. Vincent, supra, extended to students in public secondary schools. The Helms-Lott amendment would seem to require that issue to be resolved in the instance that a school district failed to comply with the Equal Access Act, i.e., denied a student religious group the opportunity to meet in school facilities on the same basis as other student noncurricular groups. The answer to the constitutional issue, however, is uncertain.[24]

Some degree of uncertainty about what is constitutionally protected also attends the issue of commencement prayer. In Lee v. Weisman, supra, the Supreme Court held school-initiated and clergy-delivered prayer at a public secondary school's commencement ceremony to be unconstitutional. Subsequently, however, the U.S. Court of Appeals for the Fifth Circuit, as well as a Federal district court in Idaho, differentiated student-initiated and student-delivered prayer at a public secondary school's commencement ceremony and held that kind of commencement prayer to be constitutional.[25] The Supreme Court chose not to review the Fifth Circuit's decision, despite the fact that analogous decisions involving school prayer suggested it might not be correct.[26] Thus, student-initiated prayer at commencement ceremonies might for now be considered to be constitutionally protected in the jurisdiction of the Fifth Circuit and in Idaho, but its status elsewhere, as well as its ultimate constitutional status in the Fifth Circuit and Idaho, remains uncertain.

In short, what prayer activities in the public schools are constitutionally protected has not as yet been fully delineated. As a consequence, considerable ambiguity would seem to attend the application of the funds cutoff standard of the Helms-Lott amendment.

(4) What does the counterpart phrase in the Levin amendment—"a constitutional policy relative to prayer in the public school"—mean? This standard appears to have the same potential for ambiguity as the one articulated in the Helms-Lott amendment. If a SEA or LEA adopted a policy that did no more than track what the Supreme Court has held to be constitutionally prohibited, as described above, it would seem to satisfy this standard. But if it went beyond what has been explicitly articulated by the Court and addressed such issues as individual oral prayer or moments of silence for prayer or meditation or meetings of student religious groups beyond what is required by the Equal Access Act or student-initiated and led prayer at commencement ceremonies, it would encounter the same legal ambiguities that have been detailed above. Pending an administrative decision by the Department of Education or litigation, or both, it would not be certain whether a particular policy would, or would not, insulate a SEA or LEA from a cutoff of funds.

(5) Would any of the amendments violate the Constitution? None of the amendments appear to be unconstitutional. The sense of the Senate amendment pertaining to moments of silence for prayer or meditation described does not, as noted above, have any binding legal effect that might raise a constitutional issue. But even if the policy it recommends were implemented, the policy does not appear to endorse prayer as the preferred activity for such moments and arguable would not contravene the Court's decision in *Wallace* v. *Jaffree, supra*. With respect to the cutoff of funds in the Helms-Lott amendment, it suffices to note that Congress has broad power to impose conditions on the receipt of Federal funds.[27]

FOOTNOTES

[1] 140 CONG. REC. S756 (daily ed. Feb. 3, 1994).

[2] Id., at S741.

[3] Id., atS841 (daily ed., Feb. 4, 1994).

[4] Id., at S1118 (daily ed. Feb. 8, 1994).

[5] The Levin amendment appears to be a response to the Helms-Lott amendment as it was eroded prior to the addition of the words "constitutionally protected." Without those words the language of the amendment, and some of the examples cited by its sponsors in justification—see 140 CONG. REC S725-28 (statements of Sen. Helms) and S730-31 (statement of Sen. Lott) (daily ed. Feb. 3, 1994)—seemed to open the possibility that SEAs and LEAs could jeopardize their Federal funding by prohibiting voluntary prayer activities that have been held unconstitutional by the courts. The Levin amendment would have vitiated the possibility. But the addition of the words "constitutionally protected" to the Helms-Lott amendment accomplished that purpose as well.

[6] See 140 CONG. REC. S737-38 and S742-43 (daily ed. Feb. 3, 1994) (statements of Sen. Jeffords).

[7] Id., at S1156 (daily ed., Feb. 8, 1994).

[8] Id., at S724 (daily ed., Feb. 8, 1994) (statement of Sen. Helms).

[9] Engel v. Vitale, 870 U.S. 421 (1962); Wallace v. Jaffree, 466 U.S. 924 (1984), aff'g mem. 705 F.2d 1526 (11th Cir. 1983).

[10] Abington School District v. Schempp, 374 U.S. 203 (1968).

[11] Karen B. v. Treen, 455 U.S. 913 (1982), aff'g mem. 653 F.2d 897 (1981).

[12] Engel v. Vitale, supra, at 421, and Abington School District v. Schempp, supra, at 228. In both cases, it might be noted, the Court found the voluntariness of the exercise not to be material to its decision. It suggested, in fact, that because of compulsory schooling, peer pressure, and the official sanction given the exercises, "voluntary" participation might be an impossibility.

[13] Lee v. Weisman, 112 S.Ct. 2649 (1991).

[14] Wallace v. Jaffree, 472 U.S. 88 (1985).

[15] Tinker v. Des Moines Independent Community School District, 393 U.S. 503, 506 (1969).

[16] Hazelwood School District v. Kuhlias, 434 U.S. 260, 266 (1988), quoting Bethel School District No. 403 v. Fraser, 478 U.S. 675, 682 (1986) and Tinker v. Des Moines Independent Community School District, supra, at 506.

[17] Cf. Roberts v. Madigan, 921 F.2d 1047 (10th Cir. 1991), cert. den., 112 S.Ct. 8025 (1992) (teacher's display and reading of personal Bible during silent reading periods held, in the context of the inclusion of religious books in classroom library and display of religious poster on wall, to amount to religious proselytizing and to be constitutionally barred).

[18] Wallace v. Jaffree, supra.

[19] Id.

[20] See Walter v. West Virginia Board of Education, 610 F.Supp. 1169 (D. W.Va. 1985) (constitutional amendment adopted by referendum providing for "brief time at the beginning of each school day for any student to exercise their right to personal and private contemplation, meditation, or prayer" held to have a purpose of returning prayer to the public schools and to be unconstitutional).

[21] Widmar v. Vincent, 454 U.S. 263 (1981).

[22] 20 U.S.C. 4071-74 (1988).

[23] Westside Community Board of Education v. Mergens, 496 U.S. 226 (1990).

[24] Prior to Mergens, four Federal appellate courts had held the accommodation of student-initiated religious meetings on the premises of public secondary schools not to be mandated by either the free speech or free exercise clauses, but one Federal district court had held to the contrary. Compare Brandon v. Board of Education of the Guilderland Central School District, 635 F.2d 971 (2d Cir. 1980), cert. den., 454 U.S. 1123 (1981); Lubbock Civil Liberties Union v. Lubbock Independent School District, 659 F.2d 1038 (5th Cir. 1982), cert. den., 459 U.S. 1156 (1983); Bell v. Little Axe Independent School District, 766 F.2d 1391 (10th Cir. 1985); and Garnett v. Renton School District No. 403, 874 F.2d 608 (9th Cir. 1989), judg. vacated and case remanded for further consideration in light of Mergens, 496 U.S. 914 (1990) with Bender v. Williamsport Area School District, 563 F.Supp. 697 (M.D. Pa. 1983), rev'd, 741 F.2d 538 (3d Cir.), vacated for want of jurisdiction, 475 U.S. 584 (1986) (the Supreme Court held that the party that had taken an appeal from the district court's decision had no standing to do so, that therefore neither it nor the Third Circuit had jurisdiction to issue a decision on the merits in the case, and that, consequently, the district court's decision that secondary school students had a constitutional right to meet for religious purposes on school premises stood as the final decision in the case).

[25] See Jones v. Clear Creek Independent School District, 977 F.2d 963 (5th Cir. 1992), cert. den., 61 U.S.L.W. 3819 (1993) and Harris v. Joint School District No. 241, 1193 US Dist LEXIS 6684 (D. Id. 1993).

[26] See, e.g., Collins v. Chandler United School District, 470 F.Supp. 959 (D. Ariz. 1979), aff'd, 644 F.2d 759 (9th Cir.), cert. den., 454 U.S. 863 (1981) (student council sponsorship of prayer by students at beginning of school assemblies held unconstitutional).

[27] South Dakota v. Dole, 483 U.S. 208 (1987).

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SOME GUIDING CONSTITUTIONAL PRINCIPLES REGARDING STUDENT EXPRESSION, INCLUDING VOLUNTARY PARTICIPATION IN STUDENT-INITIATED PRAYER

(By James Matthew Henderson, Sr.)

I. PUBLIC SCHOOL STUDENTS ENJOY SUBSTANTIAL PROTECTION OF THE RIGHT TO FREEDOM OF SPEECH UNDER THE UNITED STATES CONSTITUTION

The First Amendment of the United States Constitution, made applicable to public schools by operation of the Fourteenth Amendment, provides significant protection for public school students who desire to exercise their right to freedom of speech while on campus. *Tinker* v. *Des Moines Ind. Sch. Dist.*, 393 U.S. 503 (1969).[1] In Tinker, the Supreme Court said that public school students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." *Tinker*, 393 U.S. at 506.[2]

In Tinker, the Court addressed a dispute that arose when some students wore black armbands in school and during class to protest the Vietnam War. The school authorities ordered the students to remove the armbands or to leave school. The Supreme Court ruled that the school authorities had violated the Constitution, and construed the students' First Amendment rights broadly: "in our system, state-operated schools may not be enclaves for totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are persons under our Constitution. They are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligations to the state. *In our system, students may not be regarded as closed-circuit recipients of only that which the state chooses to communicate. They may not be confined to the expressions of those sentiments that are officially approved.*" Tinker, 393 U.S. at 511 (emphasis added).

Under the First and Fourteenth Amendments, as held in Tinker, public schools may not limit student-initiated speech unless it "would materially and substantially interfere with the requirements of appropriate discipline in the operation of the school." *Tinker*, 393 U.S. at 509 (citation omitted).[3]

As the Supreme Court has also noted: "[t]he vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools." *Shelton* v. *Tucker*, 364 U.S. 479, 487 (1967). In fulfilling this vital role, the Congress, the Executive, and the Courts should encourage public

Footnotes at end of article.

schools to "apply the First Amendment mandates in our educational system" "to safeguard the fundamental values of freedom of speech and inquiry . . . ." *Epperson* v. *Arkansas*, 393 U.S. 97, 104 (1968).

II. COMPLETE PROHIBITIONS ON STUDENT EXPRESSION, INCLUDING STUDENT-INITIATED PRAYER, FAIL CONSTITUTIONAL SCRUTINY UNDER THE SUPREME COURT'S PUBLIC FORUM DOCTRINE

Under the "Public Forum Doctrine," elucidated in the decisions of the United States Supreme Court, regulations prohibiting students from participating in voluntary, student-initiated prayer must be examined under the strictest scrutiny.[4]

In *Cornelius* v. *NAACP Legal Defense & Educational Fund*, 473 U.S. 788 (1985), the United States Supreme Court enunciated the proper analysis for determining the existence of First Amendment Rights in a given locale. First, it must be determined whether the activity at issue is speech protected by the First Amendment. If protected speech is at issue, the next step is to identify the nature of the forum, the public school. The extent to which the government may limit access depends on whether the forum is public or non-public. Finally, it must be determined whether the justifications for exclusion of the speech from the relevant forum satisfy the requisite standard of constitutional scrutiny.

*A. Voluntary, student-initiated prayer is protected under the first and fourteenth amendments*

It is a constitutional axiom that the religious speech, including prayer, is a form of expression protected by the First Amendment. See, e.g., *Widmar* v. *Vincent*, 454 U.S. 263, 269 (1981); *Heffron* v. *International Society for Krishna Consciousness*, 454 U.S. 640 (1981).

*B. For duly enrolled students, public schools are designated forums for freedom of speech*

The Supreme Court has identified three types of fora for First Amendment analysis: (1) traditional public fora (e.g., streets, sidewalks, and parks, *Hague* v. *C.I.O.*, 307 U.S. 496 (1939)); (2) designated public fora (e.g., public university, *Widmar* v. *Vincent*, 454 U.S. 263 (1981)); and (3) nonpublic fora (e.g., jails, *Adderley* v. *Florida*, 385 U.S. 39 (1966)). See, *Board of Airport Commissioners* v. *Jews for Jesus, Inc.* 482 U.S. 569, 572 (1987); *Perry Educators* v. *Perry Local Educators Assn.*, 460 U.S. 37, 45–46 (1983). For each of these, the Court has established standards of review applicable to government restrictions on speech.

Public school campuses are designated, or opened, public forums for the students in attendance. Of course, public school officials need not tolerate on campus interlopers unrelated to the purposes and functions of the school. Students, on the other hand, are compelled by state laws to spend some six hours a day on campus. While on campus, students enjoy periods of varying supervision and control. In those periods when student expression would not be disruptive of order and discipline, or substantially interfere with the rights of others, the fact that student speech is widely tolerated leads to the conclusion that schools are intended to be places for student speech.

At least for matriculated students, classrooms, lunchrooms, and hallways are "necessary conduit[s] in the daily affairs of a locality's citizens." *Heffron* v. *ISKCON, Inc.*, 452 U.S. 640, 651 (1981). Indeed, as one federal court has put it, interpreting *Tinker*, "whether or not a school campus is available as the public forum to others, it is clear that the students, who of course are required to be in school, have the protection of the First Amendment while they are lawfully in attendance." *Rivera* v. *East Otero School District*, 721 F. Supp. 1189, 1197 (D.Colo. 1989).

In these fora, with their general access for students, "[t]he crucial question is whether the manner of expression is basically incompatible with the normal activity of a particular place at a particular time." *Grayned*, 408 U.S. at 115–16. When the issue is compatibility of the speech, regulations of time, place and manner, not complete bans, are the appropriate means of securing legitimate governmental interests. A school district that bars all voluntary, student-initiated speech on campus studiously disregards the rule that "one who is rightfully [in a forum] which the state has left open to the public carries with him there as elsewhere the constitutional right to express his views in an orderly fashion." *Jamison* v. *Texas*, 318 U.S. 413, 416 (1943).

*C. A complete prohibition on voluntary, student-initiated prayer fails the requisite constitutional analysis*

In Tinker, the Supreme Court rejected the effort to interfere with student speech, even in the classroom proper, in the absence of objective evidence that the expressive activity would "materially and substantially interfere with the requirements of appropriate discipline in the operation of the school." *Tinker*, 393 U.S. at 509 (citation omitted). By requiring objective evidence, the Supreme Court indicated that school officials must produce concrete evidence that the student speech objectively disrupts the operation of the school.

Unless a public school can offer evidence of specific "material and substantial" disruptions resulting from voluntary, student-initiated prayer, it would lack the requisite constitutional warrant to take action against such speech. By asserting some undifferentiated fear of disruption, a public school would fail to satisfy the requisite constitutional standards. As the Supreme Court said, "in our system, undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression." *Tinker*, 393 U.S. at 508. Absent unusual circumstances, there simply is no basis that "might reasonably [lead] school authorities to forecast substantial disruption or material interference with school activities." *Tinker*, 393 U.S. at 514, resulting from participation in voluntary, student-initiated prayer.

The burden on school authorities in cases where a public school completely prohibits all student-initiated voluntary prayer is significant. Such content-related, flat bans must be subjected to heightened scrutiny. As explained by the Supreme Court, the standard for government regulation in such cases is: "the government may not prohibit all communicative activity. For the State to enforce a content-based exclusion it must show that its regulation is necessary to serve a compelling state interest and that it is narrowly drawn to achieve that end. . . . The State may also enforce regulations of the time, place, and manner of expression which are content-neutral, are narrowly tailored to serve a significant government interest, and leave open ample alternative channels to communication." Perry Ed, Assn. 460 U.S. at 45–46. Furthmore, "[a]dditional restrictions as an absolute prohibition on a particular type of expression will be upheld only if narrowly drawn to achieve a compelling interest." *Grace*, 461 U.S. at 177.[5]

There are few, if any, circumstances in which the government of a republic can express adequate reasons to justify a prohibition on an entire class of speech. Student-initiated prayer lacks the indicia of speech which is readily subject to special disability (it is unlike defamation, obscenity, the revelation of troop movements during times of war, or fighting words).

III. EVEN IN A NONPUBLIC FORUM, A BAN ON STUDENT-INITIATED VOLUNTARY PRAYER WOULD BE UNCONSTITUTIONAL

Even if public school campuses are nonpublic forums, a flat ban of student-initiated voluntary prayer would still be unconstitutional under the standards applicable to nonpublic fora.[6] Viewed "in light of the purpose of the forum and all the surrounding circumstances," *Cornelius*, 473 U.S. at 808, a flat ban would be manifestly unreasonable.

Given the purpose and circumstances of the relevant fora, an absolute prohibition is patently unreasonable. Public school campuses are not exclusively dedicated to pedagogical employment. Not is a student's act of voluntary participation in student-initiated prayer somehow destructive of a public school campus or of the learning environment generally. Any other approach, admitting of intolerance of religion, would relegate students to a status of closed-circuit recipients of only that which the public schools approve.

IV. VOLUNTARY, STUDENT-INITIATED PRAYER ON A PUBLIC SCHOOL CAMPUS CANNOT VIOLATE THE ESTABLISHMENT CLAUSE.

When public school officials interfere with voluntary, student-initiated prayer, such actions usually result from ignorance; that is, administrators assume that such student religious speech threatens the "wall of separation between church and state." Because the Establishment Clause is a restraint on government establishments, not student religious exercises, such school officials act out of an erroneous and fundamental misconception.

In *Widmar* v. *Vincent*, 454 U.S. 263 (1981), for example, the Supreme Court ruled that religious speech cannot be barred from the campus forum simply because it is *religious*. In Widmar, the University of Missouri-Kansas City allowed student groups to meet in campus facilities, but excluded a student evangelical Christian group from meeting on campus solely because it was religious. The Supreme Court said, "Here UMKC has discriminated against student groups and speakers based on their desire to use a generally open forum to engage in religious worship and discussion. These are forms of speech and association protected by the First Amendment." 454 U.S. at 269.

The Supreme Court applied the Widmar principles to public schools, in a statutory context, in *Board of Education* v. *Mergens*, 496 U.S. 226 (1990). The Court held that public high schools cannot bar a student-led Bible study from meeting on campus when other non-curriculum groups are allowed to meet on campus.

Only a compelling state interest can justify a content-based burden on certain speakers using an open forum, *Perry*, 460 U.S. at 45; *Widmar*, 454 U.S. at 270; *Cornelius*, 473 U.S. at 800. There is no compelling state interest to support a complete prohibition on student religious speech and the Establishment Clause does not require such an exclusion.

*A. Students cannot violate the establishment clause*

The Mergens opinions expresses the crucial point that only the government can violate the Establishment Clause, and the students

are not governmental representatives. This common sense distinction reflects the Establishment Clause's intended limitation on the power of governments, not on the rights of individual students. As Justice O'Connor stated, "there is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect." 496 U.S. at 250 (emphasis in original).

Thus, "separation of church and state" justifications thrown up in the faces of praying students are legal irrelevancies. The acts of a student are the acts of a private citizen, not of a government entity. Public schools employees and officials can violate the Establishment Clause; students cannot do so. The Supreme Court also has stated, as a general proposition, that the activities of student evangelists in a public school do not present Establishment Clause problem: "Petitioner's principal contention is that the [Equal Access] Act [Title 20 U.S.C. §§ 4071 et seq.] has the primary effect of advancing religion. Specifically, petitioners urge that, because the student religious meetings are held under school aegis, and because the state's compulsory attendance laws bring the students together (and thereby provide a ready-made audience of student evangelists), an objective observer in the position of a secondary school student will perceive official school support for such religious meetings. . . . We disagree." *Mergens*, 496 U.S. at 249.

Because the government, not students, is limited by the Establishment Clause, students are incapable of violating the clause unless they act as agents of the government. In contrast, students who act on their own behalf and engage in speech activities as a result of personal belief or interest, are fully protected by the First Amendment. Therefore, public schools cannot use the Establishment Clause as a rationale to ban religious speech by students.

*B. Public schools do not endorse the religious views of students engaged in voluntary student-initiated prayer on campus*

The apparent concern of some, that mere accommodation of student religious activities on campus violates the Establishment Clause, is without basis in law. The Supreme Court has repeatedly rejected that notion, most recently in Mergens. There the Court stated, "secondary school students . . . are likely to understand that a school does not endorse or support student speech that it merely permits on a nondiscriminatory basis. . . ." *Mergens*, 496 U.S. at 250. Despite the fact "that schools do not endorse everything they fail to censor," id., some public school officials will continue to entertain unwarranted fears about the "church-state" issue.

Of course this point, regarding private religious uses of public property, was also made in the context of a public university in *Widmar* v. *Vincent:* "An open forum in a public university" *does not confer any imprimatur* of state approval on religious sects or practices." 454 U.S. 274. The Supreme Court also said in Widmar: "But by creating a forum the University does not thereby endorse or promote any of the particular ideas aired there. Undoubtedly many views are advocated in the forum with which the University desire no association." 454 U.S. at 271 n.10. In Mergens, Supreme Court applied this principle to public secondary schools, saying that public schools do not violate the Establishment Clause when they allow student religious groups to meet on Campus. *Mergens*, 110 L.Ed.2d at 214. Thus the Supreme Court has twice rejected, in Widmar and Mergens, application of the Establishment Clause to the private speech of students otherwise entitled to be present on a public campus.

In fact, a policy excluding voluntary, student-initiated prayer because of its religious content would violate the second prong of the Lemon test. See *Lemon* v. *Kurtzman*, 430 U.S. 602, 612–613 (1971).[7] Such a policy or practice would demonstrate hostility toward religion, and would have a primary effect of inhibiting religion. The Establishment Clause requires government neutrality toward religion.

*C. The Government has a "duty to accommodate" religious speech and accommodation does not violate the establishment clause*

The Supreme Court has ruled that governments have the duty to accommodate religious beliefs and practices, and that such accommodation does not result in unconstitutional endorsement of religion, in violation of the Establishment Clause, In *Lynch* v. *Donnelly*, 465 U.S. 668 (1984), the Supreme Court stated, "[the First Amendment] affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any." 465 U.S. at 673. And, in *Hobbie* v. *Unemployment Appeals Commission*, 480 U.S. 136 (1987), the Supreme Court reiterated that concept:

"This Court has long recognized that the government may (and sometimes must accommodate religious practices and that it may do so without violating the Establishment Clause." 480 U.S. at 144. The Supreme Court expressed the correct balance in Widmar and Mergens, that accommondation of religious speech under a neutral policy is not an advancement of religion and does not violate the Establishment Clause.

FOOTNOTES

[1] In a subsequent decision addressing the right to freedom of speech on a public sidewalk adjacent to a public school, the United States Supreme Court reiterated its Tinker decision: [In Tinker, w]e concluded that free expression could not be barred from the school campus. We made clear that "undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression," and that particular expressive activity could not be prohibited because of a "mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint . . . ." *Grayned* v. *City of Rockford*, 408 U.S. 104, 117 (1972) (citations omitted).

[2] Undoubtedly, school officials have "important, delicate and highly discretionary functions" to perform. *West Virginia* v. *Barnette*, 319 U.S. 624, 637 (1943). These functions, however, must be performed "within the limits of the Bill of Rights." Barnette, at 637.

[3] The Supreme Court has relied on its Tinker decision when addressing students' expressive rights in other contexts on campus. In *Hazelwood School District* v. *Kuhlmeier*, 484 U.S. 260 (1988), the Court reaffirmed Tinker as the standard for evaluating restrictions on student-initiated speech. Hazelwood addressed the right of a Missouri school district to edit and eliminate student-written stories from the high school newspaper because of inappropriate content. The Supreme Court unequivocally stated that the issues in Hazelwood concerning dissemination of a school-sponsored, student-written newspaper are very different from the issue of dissemination of student writing that is not school-sponsored: The question whether the First Amendment requires a school to tolerate a particular student's speech—the question that we addressed in Tinker—is different from the question of whether the First Amendment requires a school affirmatively to promote particular student speech. The later question concerns educators' authority over the school-sponsored publications, theatrical productions, and other expressive activities that the students, parents and members of the public might reasonably perceive to bear the imprimatur of the school. 484 U.S. at 270–71.

[4] Importantly, the Tinker Court held that "personal intercommunication among students" in high schools is an activity to which schools are dedicated. Tinker, 393 U.S. at 512 (and accompanying footnote).

[5] In a long line of cases, the Supreme Court has consistently struck down such sweeping prohibitions of cherished First Amendment speech. In *Board of Airport Commissioners* v. *Jews For Jesus*, 482 U.S. 569 (1987), for example, the Supreme Court held unconstitutional a regulation which prohibited all free speech activities in an airport terminal. As the Supreme Court explained, "we think it obvious that such a ban cannot be justified even if [the airport terminal] were a nonpublic forum because no conceivable governmental interest would justify such an absolute prohibition of speech." 482 U.S. at 575. No compelling governmental interest supports a flat ban on student-initiated religious speech on public school campuses.

[6] In a nonpublic forum, a regulation of speech must be reasonable and viewpoint neutral. See, e.g., *ISKCON, Inc.* v. *Lee*, 120 L.Ed. 2d. 541 (1992).

[7] In its cases interpreting the Establishment Clause, the Court has come to employ a three-pronged analysis commonly called the Lemon test. See, e.g., *Harris* v. *McRae*, 448 U.S. 297, 319 (1980) (government action does not contravene the Establishment Clause if it has a secular legislative purpose, then its principal or primary effect neither advances nor inhibits religion; and, if it does not foster an excessive government entanglement with religion).

Mr. COATS. Mr. President, I rise in support of the amendment offered by the Senator from North Carolina. Religion is not just part of the practice of our Nation, it is part of the theory of our founding. Banning voluntary prayer in our schools threatens religious expression and denies our history. The Helms amendment affirms the right of public school students to participate in constitutionally protected prayer on a voluntary basis.

As the Senator has stated, this language, which the Senate passed as an amendment to the Goals 2000 bill by a vote of 75 to 22, was subsequently removed in conference.

When the Supreme Court decided its landmark school prayer case in 1963, Abington versus Schempp, two dissenting justices warned that "unilateral devotion to the concept of neutrality can lead to * * * not simply noninterference and noninvolvement with the religious which the Constitution demands, but a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious."

No phrase could more accurately describe the current thinking about school prayer—"a brooding and pervasive devotion to the secular." It denies the central role of religion in our public life. It ignores the value of a child's hope and belief in a higher power.

Religion was intended to play an important part in America's public life—not to favor any sect, but to affirm our traditions and beliefs, and to assert the source of all our liberties. America has a history of religious accommodation, not secular hostility.

When all reference to religion is omitted from our public life, we have declared off-limits the expression of people's deepest motivations and highest beliefs. We have created a naked public square—a public life scrubbed of the sacred, in which religious people lose important rights and our Nation is ultimately impoverished.

There is a difference between religious indoctrination, and the simple acknowledgement of the creator. We seem to have lost the ability to make that distinction.

Mr. KEMPTHORNE. Mr. President, I support the amendment offered by Senator HELMS that would withhold chapter I funding from any school district that denies their students their constitutional right to prayer.

Idaho is no stranger to the issue of school prayer. We have a case currently before the Ninth Circuit Court of Appeals looking at this very issue. The Grangeville, ID, School District was making no effort to infringe on a student's right to constitutionally protected prayer. In fact, they were giving them the freedom to practice constitutionally protected prayer. But the American Civil Liberties Union is trying to make the case that those students should not be given that freedom.

Mr. President here are the facts. The Grangeville School Board allows their students to plan the entire graduation ceremony; who speaks, what is done, even what school board members are invited to attend or pass out diplomas, and yes, whether or not there will be a prayer. In 1990, the American Civil Liberties Union notified the school board that they would file suit if prayer was allowed at the graduation ceremonies. The school board stood their ground and said it was up to the students how their graduation ceremony would be conducted. At the same time, a citizens group and the students asserted their right to pray and the right to free exercise and free speech.

Last year, District Court Judge Harold Ryan ruled in favor of the citizens and students, and denied the ACLU summary judgment and allowed the prayer to continue.

The ACLU has appealed that decision and it now is before the Ninth Circuit Court of Appeals.

I am no stranger to the threat that exists to this constitutional right to free speech. As mayor of Boise, ID, for 7 years, I began every city council meeting with a prayer. After several years of inviting representatives of all denominations to offer the prayer at the weekly meetings, I was informed that a suit may be filed to stop this practice. My response was not to stop prayers prior to our council meetings. I feel as strongly today as I did at that time. We must never willingly surrender our right to prayer.

I recently received a letter from members of the United Methodist Church in Boise where they shared with me their concerns for this attack on freedom. They shared their motivation in our Nation to express our faith and reliance on God in public life.

I quote from their letter:

Our Founding Fathers regarded the Bible as a Holy writ and based the Declaration of Independence and our Constitution on its wisdom. They knew the law of all civilized man is based on the Ten Commandments. They are philosophical absolutes that shaped our national tradition. Yet it is deemed politically incorrect to make reference to or use Biblical wisdom.

It seems to us that in our attempt to be unprejudiced in this pluralistic society we have sacrificed Truth on an altar of unprincipled tolerance.

How far afield from our religious roots our Nation under God has gone! We believe that if this trend is not reversed our Nation will surely perish, not at the hand of an enemy from without, but by our own moral decay from within.

Mr. President. I share those concerns. I favor voluntary prayers in school and at commencement exercises. While the Constitution states that the Government shall not establish a national religion, I do not believe that should be interpreted to prevent all religious activities in public institutions.

Our Founding Fathers wanted everyone in the United States to practice the religion of their choice in the way they choose. They did not intend for us to deny the existence of religion in this country, but wanted to recognize the legitimacy of different religions to exist without governmental interference or promotion.

Mr. President. I support the Helms amendment to allow those students of this Nation to go back to those religious roots through voluntary, constitutionally protected prayer, and to allow school administrators to be sensitive to those students' desires.

Mr. HELMS. Mr. President, I ask unanimous consent that the rollcall vote on school prayer on February 3, to which I allude, be printed in the RECORD immediately before the vote on the pending amendment.

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

GOALS 2000: EDUCATE AMERICA ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1382, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on amendment No. 1382 offered by the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

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

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—75

| | | |
|---|---|---|
| Akaka | Bond | Bumpers |
| Baucus | Boren | Burns |
| Bennett | Bradley | Byrd |
| Biden | Breaux | Campbell |
| Bingaman | Brown | Coats |
| Cochran | Gregg | Mitchell |
| Cohen | Hatch | Moseley-Braun |
| Conrad | Heflin | Murkowski |
| Coverdell | Helms | Nunn |
| Craig | Hollings | Packwood |
| D'Amato | Hutchison | Pressler |
| Daschle | Johnston | Pryor |
| DeConcini | Kempthorne | Reid |
| Dodd | Kennedy | Robb |
| Dole | Kerrey | Rockefeller |
| Domenici | Kerry | Roth |
| Dorgan | Kohl | Sarbanes |
| Durenberger | Lautenberg | Sasser |
| Exon | Lieberman | Shelby |
| Faircloth | Lott | Simpson |
| Ford | Lugar | Smith |
| Gorton | Mack | Thurmond |
| Graham | Mathews | Wallop |
| Gramm | McConnell | Warner |
| Grassley | Mikulski | Wofford |

NAYS—22

| | | |
|---|---|---|
| Boxer | Hatfield | Murray |
| Bryan | Inouye | Pell |
| Chafee | Jeffords | Riegle |
| Danforth | Kassebaum | Simon |
| Feingold | Leahy | Specter |
| Feinstein | Levin | Wellstone |
| Glenn | Metzenbaum | |
| Harkin | Moynihan | |

NOT VOTING—3

| | | |
|---|---|---|
| McCain | Nickles | Stevens |

So the amendment (No. 1382), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

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

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, we are nearing the bewitching hour of 6:20. I yield back my time and suggest we go to a vote on the Helms amendment.

The PRESIDING OFFICER (Mr. WELLSTONE). Is there objection? Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 2416

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—47

| | | |
|---|---|---|
| Bennett | Gorton | McConnell |
| Bingaman | Gramm | Murkowski |
| Bond | Grassley | Nickles |
| Boren | Gregg | Nunn |
| Brown | Hatch | Pressler |
| Burns | Heflin | Roth |
| Byrd | Helms | Sasser |
| Coats | Hollings | Shelby |
| Cochran | Hutchison | Simpson |
| Coverdell | Johnston | Smith |
| Craig | Kempthorne | Stevens |
| D'Amato | Lott | Thurmond |
| Dole | Lugar | Wallop |
| Domenici | Mack | Warner |
| Faircloth | Mathews | Wofford |
| Ford | McCain | |

NAYS—53

| | | |
|---|---|---|
| Akaka | Bradley | Campbell |
| Baucus | Breaux | Chafee |
| Biden | Bryan | Cohen |
| Boxer | Bumpers | Conrad |

| | | |
|---|---|---|
| Danforth | Jeffords | Moynihan |
| Daschle | Kassebaum | Murray |
| DeConcini | Kennedy | Packwood |
| Dodd | Kerrey | Pell |
| Dorgan | Kerry | Pryor |
| Durenberger | Kohl | Reid |
| Exon | Lautenberg | Riegle |
| Feingold | Leahy | Robb |
| Feinstein | Levin | Rockefeller |
| Glenn | Lieberman | Sarbanes |
| Graham | Metzenbaum | Simon |
| Harkin | Mikulski | Specter |
| Hatfield | Mitchell | Wellstone |
| Inouye | Moseley-Braun | |

So the amendment (No. 2416) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. May we have order, Mr. President.

Parliamentary inquiry. What is the matter before the Senate?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2415 offered by the Senator from Kansas. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 93, nays 7, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—93

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

NAYS—7

| | | |
|---|---|---|
| Chafee | Gorton | Specter |
| Danforth | Hatfield | |
| Feingold | Simon | |

So the amendment (No. 2415) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we wanted to continue to move forward. As I think the Members know, this legislation we had intended to be laid down at the very early part of the morning. Then, for various reasons, we did not get to this amendment until somewhat later in the day.

I think it has been a very important and constructive debate on a very, very important constitutional issue. As we have seen from the votes, this is a very important public policy matter.

We have probably 10 different amendments which we are prepared to deal with this evening. The major item that comes in different forms is on a question about the potential formula change. We are prepared to deal with that. I have been notified by two of those that have amendments that their materials have not been put into sufficient order to vote on those matters.

We have what we call the fight or flight; the vouchers in unsafe schools, Senator COATS and Senator DOLE, which we are prepared to deal with; Senator DANFORTH's amendment on single-sex schools; the longer year program, Senator SIMON; a private management amendment by Senator SPECTER; we have some prenatal care counseling, Senator SPECTER; a change in the IDEA provisions, by Senator GORTON; we have a potential one dealing with immigrants in the rural National Service Program. There may be others.

We have tried to indicate and give as much notice to our Members as possible on these votes. I anticipate, from conversations we had just a short while ago, that we will probably have two more votes. I hope that we can give an indication to the membership in a short while as to the time when those votes might be. We are in one of those circumstances where the managers are prepared to move ahead. I have talked to at least a half-dozen of these Members and urged them to bring these matters up. We have been—for whatever reason, there is a reluctance to bring them up this evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I am going to speak for a couple of minutes while Senators are working out this evening's arrangement.

## ILLEGAL NARCOTICS

Mr. DECONCINI. Mr. President, some of our country's most terrible health and social problems result from the use of illegal narcotics. That has been overwhelmingly concluded in this country. This includes crimes perpetrated by drug traffickers, as well as drug addiction; incarceration costs, which are ever escalating; lost productivity at the workplace, which has increased; health care costs, including emergency admissions to hospitals, which has gone up every year; AIDS; children born to drug-addicted parents; and a host of other problems with which we are plagued.

If we are going to make inroads in reducing the use of illegal drugs in our country, cooperation with source countries, under the new Clinton administration drug strategy to place more emphasis on the source country, is paramount, and we must proceed to do that.

I have questioned that, because I have had some qualms about taking emphasis away from the border and from the transit zone. We have tried to restore some of those.

But it is worthwhile to deal with the source country, particularly if you have a country that is friendly or cooperative in some nature. Ninety-five percent of the cocaine in our country comes from Peru, Bolivia, and Colombia. I am sad to say that most of that comes through the country of Mexico into the Southwest Border States.

In recognition of this particular situation, the President's new drug policy places a strong focus on the source country's activity, these particular three countries. These countries, through their own initiatives, collective efforts, and some cooperation with the United States Government, have made significant progress in regaining control of their nations and in attacking their illegal drug problems.

Needless to say, some of them have problems in the area of human rights, of which I am very, very aware.

These countries have come to the conclusion that they share our interest in the war against drugs because they, too, are experiencing the devastating consequences of drug trafficking. In addition to the tremendous cost in lives of both civilians and police on the front lines of this war, the drug cartels have the potential to subvert and corrupt the entire system.

Few countries are more key to this fight against drugs or have suffered a heavier price than the country of Colombia. Their interest in fighting drugs is demonstrated by their counternarcotic program, which is the most comprehensive program in the region, I must say. Any chance we have of disrupting the flow of drugs to our country is tied to cooperative efforts with the country of Colombia. The amendments which Senator GRAHAM and I offered to the Foreign Operations appropriations bill was an effort to ensure that our cooperative efforts would continue to go forward.

I look forward to furthering cooperative efforts to combat the drug trafficking and trade when the government

of Ernesto Samper takes office in August. The U.S. and Colombia have shared a long history of cooperative bilateral relations and have been able to forge a close relationship over the last 5 or 6 years in the war on drugs.

I was in Peru and in Colombia in February. We saw firsthand the cost that the Colombian people have paid for this drug operation. We also saw a genuine effort and an effort to do something about corruption.

Now, having said all that, it is clear that the Colombians still have a long way to go, and there was some evidence in the recent election of Mr. Samper that we are dealing with people who were connected or were in fact part of the drug cartel. He and his campaign and his new administration deny that. We have no firm evidence to confirm it. The person who was his treasurer is not part of the government, or has not been announced to be part of the government, and I am advised will not be part of the government. And he has stated that he did have some conversation with the wrong people and refused or denied or turned down any contributions.

Unfortunately, Colombia has a little bit of the same syndrome we have on election campaigns. They cost millions of dollars and they have to go to many sources to raise that kind of money.

We do have very good operating procedures in Colombia: Joint intelligence, communications, and other efforts are underway. We have capabilities in Colombia to assist them immensely. They need resources and they need some friendship.

I am prepared to give this new government some breathing room. I am not one who stands on this floor and says let us just go ahead and let it be business as usual.

Business as usual is a little different in Colombia for the first time since I have been in this body. In fact, they have demonstrated that they can deal with corruption and they have demonstrated that they are even prepared to use greater force than we do. They have a shoot-down policy on airplanes. They have demonstrated, with the very dramatic effort to get Mr. Escobar and in fact eliminate him, not in the course of constitutional rights under which we might have proceeded.

Both of our countries share the costs of the illegal drug trade, and both of our countries will reap great benefits from reducing it. The drug cartels are as much a threat to the Colombian Government and the people there as they are to us.

Moving forward in the war on drugs requires a strong commitment in reducing both the supply and the demand. So I look forward to a renewed effort with the Colombian Government, and I hope they will proceed with what they have represented to our Government and our people. The President-elect, Mr. Samper, has sent forward his potential designees for Secretary of Defense, Secretary of Justice, and Foreign Minister to the United States to make the case, and I believe that they are well intended and will indeed proceed with the continued forceful operations that the previous government has made.

I am prepared to watch them and work with them, and I hope our Government is.

Mr. President, I yield the floor.

## HEALTH CARE

Mr. BYRD. Mr. President, daily, as one turns on the television or reads the newspapers one is barraged with the propaganda of the warring forces on one of the most important and far-reaching proposals ever scheduled to come before this body—health care.

We have heard that health care will be scheduled, and I have every reason to believe that it will be.

Rarely has an issue been scheduled for debate that will potentially so impact the lives of each and every man, woman, and child in this Nation.

Paradoxically, rarely has an issue been so politicized or so noisily trashed or trumpeted by competing forces than this same issue—health care. Properly legislated health care reform could be of enormous benefit to millions of our citizens. It could provide the health security to which our people are entitled and of which so many are in need. Properly legislated health care reform could keep the deficit on its downward track and save billions of dollars. It could bolster our competitive posture in the world and provide needed fairness and equality in health care matters.

Improperly legislated health care could cost billions of dollars, lead to rationed medical treatment, exacerbate our deficit growth, and damage small business interests.

We are experiencing pressures from certain special interests urging Members of the Congress to vote for the bill. We see advertisements by other special interests on television, urging Members of Congress to vote against the bill. It is, then, critically important that we turn down the noise and cool off the rhetoric on this far-reaching issue.

Let us all remember that we have not even seen a bill yet in this Chamber. We have no final CBO estimates and no idea of how ambitious a proposal we are going to consider. Yes, it is true that we have multitudes of studies and estimates on the many draft proposals which have been offered. Indeed, one might go blind reading the studies and counter studies and the analyses of the costs of this proposal or that proposal. But at this moment we have nothing at all on the legislation which we will be asked to actually consider and debate on this Senate floor. At the moment, it is a pig in the poke that we are being asked to vote for or to vote against.

Yet, the interest groups are swarming and the pulling and tugging on each Senator is enough to sever arms and legs from the corporal whole—and all of this before we have even seen a bill which we will be voting on.

Once again we are seeing the oversimplification and gross politicization of what is colorfully termed a "hot issue." I do not think the American people are ever well-served by these chaotic orgies that occur whenever there is a lot at stake in Washington. I lament the lack of a climate for cool, reasoned study and debate which is as rare in this town as any of the rarest of the endangered species. How can anyone fail to be influenced by the cacophony of noise and shrill rhetoric on this issue? One would have to take up residence in a cave like Timor of Athens, and then wear ear plugs to avoid the din. It may be well for us to remember Mark Twain's admonition.

> Noise proves nothing. Often a hen who has merely laid an egg cackles as if she had laid an asteroid.

Let me say to my colleagues, this is no sense-of-the-Senate resolution that we will be fooling around with. Nothing less than the health, financial security, and the very lives of millions of people are being dealt with when we start to consider radical changes in the health care system of this Nation. In my home State of West Virginia 15.6 percent of the population has no health care coverage whatever. Many of our people have seriously inadequate coverage. It is clear that something needs to be done. However, with about 14 percent of our gross domestic product—I have heard it as much as 15 percent—there are varying figures—potentially impacted by changes in our health care system, we had better do whatever we are going to do with great care. A botched job of reform could be disastrous.

So I urge everyone on all sides of this debate to pipe down a little bit, slow down a little bit, pause and get very serious about the monumental task which lies ahead of us. This is no time—this is no place—for sloppy legislating. And certainly on this subject it could be disastrous.

This Senate is being looked to for wisdom and leadership by the Nation on a matter about which the people care very deeply. And, of course, the people of America naturally must feel that there is a bill that we all know about, that we have all read, that we are going to debate and amend and vote on.

I say there is no bill before the Senate. There is no bill that I have seen that purports to be the bill that is going to be debated in this Senate. There will be no political advantage for anybody if we fail to keep faith with

the people in this matter. They will watch and judge and rightfully hold us accountable for whatever we enact in the way of health care reform. There is no ducking this one. There is no finessing it. This health care legislation will have ramifications for years in every facet of our national life. Too timid a proposal could be hurtful to our people, while too broad a proposal could devastate our economy. Now is the time for thoughtful analysis and calm, reasoned thinking. It is my hope that in the coming days Senators will buy those ear plugs and locate that cave—perhaps in the Allegheny Mountains—until we see the legislation, until we have an opportunity to study and debate it. The Devil is in the details. So I hope that we will stop, look, and listen until we have the CBO estimates and begin a thorough, considered debate about where we are going on this most important and sensitive of measures.

Marcus Manilius, an early first century A.D. poet, once wrote:

(Human reason) freed men's minds from wondering at portents by wresting from Jupiter his bolts and power of thunder, and ascribing to the winds the noise and to the clouds the flame.

Let us inform the American people clearly through our debate and study of just what we are doing to their health care system, and not leave them or us to wonder at portents.

Mr. President, following the battle of Shrewsbury, in which the son of the Earl of Northumberland was killed, the son being Henry "Hotspur" Percy, the rebels gathered to assess the situation, and to determine whether or not and when and where and how they should go about continuing the rebellion against the English King Henry IV.

We find in Shakespeare, part II of King Henry IV, that the Archbishop of York, whose name was Scroop, and three of the Lords—Lord Hastings, Lord Mowbray, and Lord Bardolph—had gathered in the Archbishop's palace to review the situation, following the disaster in which young Hotspur had been killed. And it was Lord Bardolph, who uttered these cautionary words:

When we mean to build,
We first survey the plot, then draw the model,
And when we see the figure of the house,
Then we must rate the cost of the erection;
Which if we find outweighs ability,
What do we then but draw anew the model
In fewer offices, or at least desist
To build at all?

Mr. President, those words of caution might very well be applicable in this health care situation.

Before we begin this journey into the unknown waters of health care reform—and I am not saying we should not move out into those waters, but before we begin that journey—let us have a clear and cogent understanding of the bill. Let us first see the bill. Let us have a clear understanding of just how far we are going to go, of how many other existing programs are going to be loaded onto the boat, and the cost of carrying that extra cargo. The American people and this Senate must have a firm understanding of how the canvas of our poor beleaguered budget is going to be stretched so that our boat will sail and not simply founder on the shoals of overcommitment and the rocks of too many good intentions.

Unless we do this, Mr. President, we may be confronted with the apparition of Banquo's ghost, which would sit at the head of an empty table for years or even decades to come.

I yield the floor.

## IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, the pending business is still the education bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Mr. President, I ask unanimous consent to just speak for 3 minutes on another matter, and not have it interfere with any of the amendments to the pending matter.

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

The Senator is recognized.

## JUDGE STEPHEN BREYER

Mr. DOLE. Mr. President, I want to take a few moments to respond to an editorial that appeared in yesterday's New York Times. The editorial, entitled "A Cloud on the Breyer Nomination," suggests that Judge Breyer should have recused himself from certain environmental cases because of his investment in a Lloyd's of London insurance syndicate. The editorial unfairly paints a picture of someone whose personal ethics are open to question.

Judge Breyer has denied any conflict of interest, testifying under oath that he never sat on any case in which he had reason to believe that Lloyd's was an interested party.

During his tenure on the First Circuit Court of Appeals, Judge Breyer also developed an elaborate screening system to prevent conflicts from occurring:

Each year, I am told, he provided the first circuit clerk with a list of his personal investments, including the Lloyd's of London investment. Judge Breyer typically requested that he not be assigned to any case involving any company in which he had an investment. In addition, Judge Breyer personally reviewed cases for potential conflicts and disclosed his Lloyd's investment on his annual financial disclosure report. Since these reports are available to the public, it gave litigants the opportunity to seek the recusal of any judge whom they believed may have had a conflict.

Not surprisingly, several prominent legal and ethics experts have reviewed the Lloyd's investment, and the consensus view is that Judge Breyer complied with all relevant laws and ethical standards.

Mr. President, as someone who worked closely with Judge Breyer when he served as chief counsel to the Senate Judiciary Committee, I know first-hand that he is a man of integrity and good judgment. I cannot imagine Judge Breyer intentionally trying to enrich himself by issuing an opinion favorable to his own financial interests. In fact, throughout the confirmation process, no one has offered any plausible explanation of how Judge Breyer's environmental rulings may have benefited him.

I will not speculate on why the New York Times ran its misguided editorial, but I do know that there are those on the left side of the political spectrum who may not want a thoughtful moderate like Judge Breyer sitting on the Nation's Highest Court.

Unfortunately, if history is any guide, they will go to great lengths to achieve their goals, including trying to smear a good man's good reputation.

Mr. President, I ask unanimous consent to have printed in the RECORD the New York Times editorial of July 26, 1994, entitled "A Cloud on the Breyer Nomination."

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

[From the New York Times, July 26, 1994]

A CLOUD ON THE BREYER NOMINATION

Eager for swift confirmation of the Supreme Court nominee Stephen Breyer, senators of both parties are rushing to a floor vote without fully investigating significant ethical issues connected to the nominee's investments. This irresponsible failure by the senate leaves Judge Breyer with a cloud still hanging over his nomination.

Judge Breyer, who is Chief Judge of the U.S. Court of Appeals in Boston, answered the Senate Judiciary Committee's questions for three days and won unanimous clearance for a floor vote scheduled for tomorrow. But the committee failed to fully explore the judge's participation in pollution cases despite his investment in a Lloyd's of London venture that heavily insured asbestos and toxic pollution risks in this country.

At issue is Judge Breyer's compliance with the Federal recusal statute, which requires judges and justices to disqualify themselves when their impartiality "might reasonably be questioned." In addition, they must sit out cases where they have a financial interest in a party to a lawsuit or any interest "that could be substantially affected by the outcome of the proceeding."

Lloyd's was not a named party in any of the eight pollution cases in which Judge Breyer took part. But what if Lloyd's, famous around the world for insuring all kinds of major risks, were an insurer of a company involved in a pollution lawsuit? Judge Breyer did recuse himself from asbestos litigation but, curiously, not from other major

pollution disputes. Only senator Howard Metzenbaum saw fit to mention this inconsistency; the committee failed to question the nominee in detail about what steps, if any, he took to find out about Lloyd's involvement as an insurer.

Judge Breyer assured the committee that he had not violated the standard that requires recusal from cases that would have a "direct and predictable financial impact" on his investments. Yet Newsday has reported that Lloyd's was one of the insurers of a company involved in one of the eight pollution cases. That sounds like a direct contradiction of Judge Breyer's testimony. It warranted closer investigation. Could the judge have known about Lloyd's involvement? did he investigate the other cases sufficiently to guard against sitting in a case that might affect his financial interest? Again, the committee was not inquisitive, though Senator Arlen Specter has called for re-examining the recusal law with an eye toward having judges disqualify themselves if their investments are even indirectly involved.

As it turned out, Judge Breyer's ruling in that case might actually have gone against any financial interest of his own. But the judge surely showed bad judgment in failing to explore Lloyd's involvement. and the incident leaves one wondering how many other cases Judge Breyer ruled on that might have put his Lloyd's investment at risk.

Judge Breyer, a popular former staff chief for the Judiciary Committee and a moderate liberal, is being rushed through confirmation by democrats trying to please President Clinton and Republicans relieved at the nominee's moderate views. But his possible failure to recuse himself from cases whose outcomes might affect his financial interests has not been thoroughly explored. The Senate is voting on faith and political need, not knowledge. Based on the inadequate record in hand, Judge Breyer has not been shown to deserve the prize that will be awarded him by the Senate.

## IMPROVING AMERICA'S SCHOOLS ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2417

(Purpose: To create a demonstration program to provide students who attend violence-prone schools with scholarships to enable such students to attend safe schools)

Mr. DOLE. Mr. President, I am, along with the distinguished Senator from Indiana, offering an amendment. We have revised the amendment and I am having copies made. But I thought maybe, in the interest of time, we could make our statements and then we will send the amendment to the desk.

I would add that I have discussed this with the Senator from Massachusetts, Senator KENNEDY, and the Senator from Kansas, Senator KASSEBAUM.

It may or may not be that we can vote this evening because one of our cosponsors, Senator LIEBERMAN, is not available. But we will just have to see what happens.

Mr. President, when I read the newspapers these days, it is hard for me to imagine the violence that many students experience in our Nation's schools. I guess you could go back to when we were in school. When I was in school, we had a bully or two. But we did not have armed thugs—ones that would make Kim Il-song cringe—roaming the halls.

Let us not fool ourselves. Violence is not isolated to a few schools. In fact, it is nearing epidemic proportions. It happens in the inner cities, and unfortunately, it is happening in the Heartland and even in Kansas. I am saddened to say that we have had beatings and shootings in Wichita, Topeka, Kansas City, and even in some of our smaller towns like Junction City. These are not statistics. They are somebody's little girl or boy. And sometimes they are teachers and principals.

Earlier this year, Congress helped schools tighten security by passing the Safe Schools Act. That measure was definitely a step in the right direction. It seems to me, however, that more metal detectors will not give parents and their children the peace of mind they are entitled to. Parents deserve more options. They should not be forced to send their children to crime ridden schools.

Mr. President, since we passed the Safe Schools Act, I have found that many of my colleagues shared the same concerns. Over the course of the last several months, my office has worked closely with Senators COATS, LIEBERMAN, DANFORTH, and BROWN to find a way to give parents more alternatives. What we have come up with is Fight or Flight, a demonstration program that would help low-income parents send their children to safer elementary and secondary schools.

Let me give you a summary of what the bill would do.

Fight or Flight is a $30 million demonstration that will target as many as 20 crime prone schools. It will be authorized under Goals 2000. For those States which wish to participate, only students from schools that the Secretary of Education designates as crime-prone will be eligible for educational vouchers that can be spent at both private and public schools.

Eligibility requirements.—Students will be eligible if they attend a violence-prone school and if they qualify for free or reduced priced meals under the National School Lunch Act.

Use of scholarship funds.—Funds can be used for tuition and fees, reasonable transportation costs, and parents can use up to $500 to obtain supplementary academic services for their child. For students attending a private school, any remaining funds will be returned to the State to provide additional vouchers. Public schools, on the other hand, will be able to keep remaining funds.

National evaluation.—This amendment would require the Secretary to compare the achievement of participating and nonparticipating students, and to assess the program's effects on increasing parental and community satisfaction and its ability to foster greater parental involvement.

No loss of Federal funds to public schools.—Public schools which lose students as a direct result of the demonstration may count such children for purposes of receiving funds under any program administered by the U.S. Secretary of Education.

Civil rights protection.—Participating schools may not discriminate on the basis of race. The amendment also stipulates that demonstration projects could not continue if they interfere with desegregation plans.

Finally, Fight or Flight is limited to a 3-year demonstration program.

Some say, "What happens at the end of 3 years? This is going to be another one of those unfunded mandates."

So we have revised our amendment to make certain this is a demonstration project, period. It is not an effort to start something and then leave it up to the States or local communities, what we call an unfunded mandate.

In short, this is a very simple amendment. If your son or daughter attends one of 20 violent schools, you can use fight or flight to send them to a safe school. I think that would make a lot of sense to a lot of parents in inner cities and, as I said, in middle-sized or smaller cities.

I am certain that few of my colleagues will argue that fight or flight will kill off some inner-city schools. Personally, I am more concerned about the students, more concerned about their safety. You can replace buildings, but you cannot replace children. And that is what this amendment is all about.

The bottom line is that students should have safe places to learn. If a school is crime-ridden, I see no reason why children should be forced to go there, especially if the only thing keeping them there is that their families cannot afford to send them to a better school.

Many of us have struggled with the so-called issue of school choice. I for one believe it is a concept worth testing. I am not saying that either public or private schools are inherently better. The point is that all Americans, rich or poor, should be able to choose the best education for themselves and for their children. By introducing an element of competition, we can encourage schools to work harder to provide the best possible education. But that is not what this amendment is about. It is about helping parents protect their children from the violence that seems to run rampant in some of our Nation's schools.

Mr. President, there are strongly held beliefs on both sides of the choice issue. I respect the beliefs of others,

but I think this may be an exception and I think we made and can make a good case.

I urge my colleagues to carefully consider this amendment. This is an opportunity to give students a safer education. If they are not being terrorized on a daily or weekly or monthly basis, it may offer a great opportunity for more learning, and a lot of good things could come from this particular amendment.

I want to particularly congratulate my colleague from Indiana, who has been the moving force on this amendment. I am very happy to join with him as a cosponsor.

I now send the 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 Kansas [Mr. DOLE], for himself, Mr. COATS, and Mr. LIEBERMAN, proposes an amendment numbered 2417.

Mr. DOLE. 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 1296, after line 25, insert the following:

**"TITLE XVII—FIGHT OR FLIGHT: PROTECTING AMERICAN STUDENTS**

**"SEC. 1701. SHORT TITLE.**

"This title may be cited as the 'Fight or Flight: Protecting American Students Act of 1994'.

**"SEC. 1702. FINDINGS AND PURPOSE.**

"(a) FINDINGS.—The Congress finds that—

"(1) violence and crime have increased significantly in our Nation's schools;

"(2) it is estimated that 3,000,000 violent acts or thefts occur in or near schools, and that one in five high school students carries a weapon;

"(3) the incidence of violence and criminal activity within elementary and secondary schools threatens the school environment and interferes with the learning process; and

"(4) students have a right to be safe and secure in their persons while attending school.

"(b) PURPOSE.—It is the purpose of this title—

"(1) to provide children from low-income families who attend violence-prone schools with the option of attending safer elementary and secondary schools;

"(2) to improve schools and academic programs by providing certain low-income parents with increased consumer power and dollars to choose safer schools and programs that such parents determine best fit the needs of their children;

"(3) to engage more fully certain low-income parents in their children's schooling;

"(4) through families, to provide at the school site new dollars that teachers and principals may use to help certain children achieve the high educational standards called for by the National Education Goals; and

"(5) to demonstrate, through a competitive discretionary demonstration grant program, the effects of programs that provide certain low-income families with more of the same choices regarding all schools, including public, private, or religious schools, that wealthier families have.

**"SEC. 1703. DEFINITIONS.**

"As used in this title—

"(1) the term 'choice school' means any public or private elementary or secondary school, including a private sectarian school, that is not a violence-prone school;

"(2) the term 'eligible child' means a child in grades 1 through 12 who—

"(A) is eligible for free or reduced price meals under the National School Lunch Act; and

"(B) attended a violence-prone school prior to receiving assistance under this title;

"(3) the term 'State' means each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico; and

"(4) the term 'violence-prone school' means a school that—

"(A) serves an area in which there is a high rate of—

"(i) homicides committed by persons between the ages 5 to 18, inclusive;

"(ii) referrals of youth to juvenile court;

"(iii) youth under the supervision of the courts;

"(iv) expulsions and suspensions of students from school;

"(v) referrals of youth, for disciplinary reasons, to alternative schools; or

"(vi) victimization of youth by violence, crime, or other forms of abuse; and

"(B) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

**"SEC. 1704. FUNDING AND RESERVATION.**

"(a) FUNDING.—From amounts appropriated to carry out the Goals 2000: Educate America Act, the Secretary shall make available $30,000,000 for each of the fiscal years 1995 through 1997.

"(b) RESERVATION.—Of the sums made available pursuant to subsection (a) for any fiscal year, the Secretary may reserve not more than $1,500,000 over three years to carry out the national evaluation described in section 1711.

**"SEC. 1705. PROGRAM AUTHORIZED.**

"(a) AUTHORITY.—The Secretary is authorized to make not more than 20 grants nationally, on a competitive basis, to States to enable such States to carry out educational choice demonstration projects in accordance with this title.

"(b) AMOUNT.—The Secretary shall award grants under this title annually, and shall determine the amount of such grants by taking into account the availability of appropriations, the number and quality of applications, and other factors related to the purposes of this title that the Secretary determines are appropriate.

"(c) SUPPLEMENT NOT SUPPLANT.—Grant funds awarded under this title shall be used to supplement and not to supplant State and local funds that would, in the absence of funds under this title, be made available to public elementary and secondary schools for the activities assisted under this title.

**"SEC. 1706. SCHOLARSHIPS.**

"(a) IN GENERAL.—

"(1) USE OF FUNDS FOR SCHOLARSHIPS.—Each State receiving funds under this title shall use such funds to provide scholarships to the parents of eligible children.

"(2) NUMBER.—Each State shall determine the number of scholarships to be awarded in such State.

"(3) AMOUNT.—(A) Subject to subparagraph (B), each State shall determine the amount of each scholarship in such State.

"(B) The amount of a scholarship under this title in a State shall be the same for every site in such State.

"(b) SPECIAL RULE.—Notwithstanding any other provision of law, the amount of scholarship assistance received under this title shall not be deemed to be income of the parents or child for Federal income tax purposes or for purposes of determining eligibility for any other Federal assistance.

"(c) CONTINUATION.—Subject to the limitation paragraph "d" each State receiving funds under this title may provide a scholarship in each year of the State's program to the parents of each eligible child to whom the State provided a scholarship in the previous year of the program, unless—

"(1) the eligible child no longer resides within the area served by a violence-prone school; or

"(2) the eligible child no longer attends an elementary or secondary school.

"(d) SPECIAL RULE.—If the amount of the grant made to a State under this title is not sufficient to provide all of the scholarships to the parents of each eligible child who is served by the State, then the State shall only be required to provide scholarships to parents of the eligible children who are from the lowest income families to the extent that they are funded.

**"SEC. 1707. APPLICATIONS.**

"(a) IN GENERAL.—Each State that desires 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 paragraph (1) shall contain—

"(1) information demonstrating that the State will comply with the other requirements of this title;

"(1)(a) a definition of violence prone school using the parameters set forth in section 1703.

"(2) a description of the procedures to be used to provide scholarships to parents and to enable parents to redeem those scholarships, such as the issuance of checks payable both to parents and to schools; and

"(3) a description of—

"(A) the procedures by which a choice school will make a pro rata refund to the State for any participating eligible child who, before completing 50 percent of the choice school attendance period for which the scholarship was issued—

"(i) is released or expelled from the choice school; or

"(ii) withdraws from the choice school for any reason; or

"(B) another refund policy that addresses special circumstances the State can reasonably anticipate and that the State demonstrates, to the Secretary's satisfaction, adequately protects participating eligible children, in accordance with the purposes of this title,

except that no such refund procedure or policy shall require a choice school to refund any portion of funds received under this title due to a permanent change of residence of a parent of an eligible child for whom scholarship assistance under this title was awarded.

"(c) UPDATING.—Each such application shall be updated annually in such manner as the Secretary may determine necessary to reflect revised conditions.

**"SEC. 1708. USE OF SCHOLARSHIP FUNDS.**

"The Federal portion of any scholarship awarded to the parents of an eligible child under this title shall be used in the following sequence:

"(1) FIRST.—First, for—

"(A) the payment of tuition and fees at a choice school that is selected by the parents of the child for whom the scholarship was provided; and

"(B) the reasonable costs of the eligible child's transportation to the choice school, if—

"(i) the choice school is not the school to which the eligible child would be assigned in the absence of a program assisted under this title; and

"(ii) the parents of an eligible child choose to use the scholarship funds for such transportation.

"(2) SECOND.—Second, if the parents so choose, to obtain supplementary academic services for the eligible child, at a cost of not more than $500, from any provider chosen by the parents that the State, in accordance with regulations prescribed by the Secretary, determines is capable of providing such services and has an appropriate refund policy.

"(3) THIRD.—Third—

"(A) if the child attends a public choice school, any remaining funds shall be made available to such school to enable such school to conduct educational programs that help students at such school achieve high levels of academic excellence; or

"(B) if the child attends a private choice school, any remaining funds shall be made available to the State to enable the State to award additional scholarships under this title in that year or the succeeding year of the State's program.

**"SEC. 1709. REQUIREMENTS.**

"(a) EFFECT ON OTHER PROGRAMS.—

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

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

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

"(c) INFORMATION.—Notwithstanding section 9 of the National School Lunch Act, a State receiving a grant 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 project under this title. 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) SPECIAL RULES.—

"(1) ASSISTANCE TO FAMILIES NOT INSTITUTIONS.—Scholarships under this title shall be considered to be aid to families, not institutions. A parent's expenditure of scholarship funds at a choice school or for supplementary academic services under this title shall not be construed to be Federal financial aid or assistance to that school or to the provider of those supplementary academic services.

"(2) ANTIDISCRIMINATION PROVISIONS.—

"(A) IN GENERAL.—Notwithstanding the provisions of paragraph (1), in order to receive scholarship funds under this title a choice school or provider of academic services under this title shall comply with the antidiscrimination provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d), section 901 of the Education Amendments of 1972 (20 U.S.C. 1681), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(B) IMPLEMENTING REGULATIONS REQUIRED.—The Secretary shall promulgate regulations to implement the provisions of this paragraph, taking into account the purposes of this title and the nature, variety, and missions of choice schools and providers that may participate in providing services to children under this title.

"(e) CONSIDERATION OF FEDERAL FUNDS PROHIBITED.—No Federal, State, or local agency may, in any fiscal year, take into account Federal funds provided to a State or to the parents of any child under this title in determining whether to provide any other funds from Federal, State, or local resources, or in determining the amount of such assistance, to such State or to the choice school attended by such child.

"(f) STATE LAW.—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 religious or other private institutions, except that no provision of a State constitution or State law shall be construed or applied to prohibit any State from paying the administrative costs of a program under this title or providing any Federal funds received under this title to parents for use at a religious or other private institution.

"(g) SECRETARY.—Nothing in this title shall be construed to authorize the Secretary to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school participating in a program assisted under this title.

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

**"SEC. 1710. PARENTAL NOTIFICATION.**

"Each State receiving a grant 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 project;

"(2) describe the eligibility requirements for participation;

"(3) describe the information needed to establish a child's eligibility for participation in the demonstration project;

"(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 a list of violence-prone schools located in the State; and

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

**"SEC. 1711. EVALUATION.**

"From funds reserved under section ___02(b), the Secretary shall conduct a national evaluation of the activities assisted under this title. Such evaluation shall, at a minimum—

"(1) assess the implementation of projects assisted under this title and such projects' effect on the participants, schools, and communities served under this title, including the degree of parental involvement in, and satisfaction with, the project and their children's education; and

"(2)(A) evaluate the educational achievement of eligible children who participate in the projects assisted under this title, during the periods—

"(i) before the provision of scholarship assistance under this title;

"(ii) during such provision; and

"(iii) after such provision; and

"(B) compare such achievement with such achievement, during comparable periods, of similar children who do not so participate.

**"SEC. 1712. REPORTS.**

"(a) REPORT BY GRANT RECIPIENT.—Each State receiving a grant 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 demonstration projects assisted under this title, including information submitted by each State receiving a grant under this title 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 1711 within 9 months after the conclusion of the demonstration projects assisted under this title.

**"SEC. 1713. ENFORCEMENT.**

"(a) REGULATIONS.—The Secretary shall promulgate regulations to enforce the provisions of this title.

"(b) PRIVATE CAUSE OF ACTION PROHIBITED.—No provision or requirement of this title shall be enforced through a private cause of action.".

Mr. COATS. Mr. President, I want to join the minority leader in offering this amendment. We have been debating over the last several years the concept of school choice. I am particularly pleased to be able to merge the amendment that was originally, I believe, offered by Senator HATCH, which I have offered several times in the last 2 or 3 years, to merge this with an idea that the minority leader has come up with that I think has a lot of validity. Because it takes a concept that has been advocated and that I think has a great deal of merit and marries it with a particular problem that exists in many of our inner-city schools. It is that concern that parents have about the safety of their children, along with their concerns that their children receive a good education, that has been brought together in this particular amendment that the minority leader has just sent to the desk.

Let me detail some of the reasons why I believe this particular amendment is needed.

The memory of rushing her son off to school on February 22, 1993, still haunts Margaret Ensley.

"He was so slow, he just moved so slowly," she recalled. "I kept after him: 'hurry up, you'll miss the school bus.' * * * I hurried him to his death."

That morning, Michael Ensley was shot dead by a 15-year-old classmate during a snack break at Reseda High School.

Michael Ensley's story, unfortunately, is not an isolated case. Many of our schools are becoming increasingly violent places.

In 1992, 9 percent of 8th graders, 10 percent of 10th graders, and 6 percent of 12th graders reported that they had brought a weapon to school at least once during the previous month. Not once in their school career, but once during the previous month.

Nearly 3 million crimes occur on or near schools every year; 16,000 take place each day, or one every 6 seconds.

Nationwide, between 1986 and June 1990, at least 75 people were killed with guns at school, over 200 were severely wounded by guns, and at least 242 were held hostage at school by gun-wielding assailants.

The violence is so widespread that children today are afraid to go to school. "I'm scared. I'm still scared," said Glenn Browne, Jr., who lost a kidney after being shot by an 18-year-old gang member at Dorsey High School in Los Angeles. "I'm scared that they will come back and get me." As President Clinton has pointed out, Glenn Browne is not the only child to go to school. I quote the President:

> A hundred and sixty thousand kids stay home everyday from school, because they're worried if they're going to be safe at school. Are they learning anything? Are they going to be competitive workers?

The answer is no. No child can live, let alone learn, in such an environment. No child should be forced to attend a crime-ridden, drug-infested school.

But, unfortunately that is too often the case. Children are forced to attend unsafe schools simply so that school buildings can remain open. That is why the Senate passed the Safe Schools Act, offered by our colleague Senator DODD, from Connecticut, to provide assistance to schools to help them fight violence. And I supported that bill and I think it is a step in the right direction. But it clearly has not solved the problem or will not solve the problem.

Installing metal detectors and hiring security guards is not enough. Just ask 14-year-old Michelle McKie. Michelle was shot in the head just 400 feet from her metal-detector-equipped school. Michelle was one of the lucky ones because she lived. Children like Michelle and George and Michael should not have to fear going to school, but parents with limited means do not have the luxury wealthier parents have, the ability to afford to live in safer neighborhoods or send their children to safer schools.

It is easy—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 local school, or unhappy with the public education system or the school which their children are going to, private or public, they can place their children in another school—in a parochial school or private school, giving their children what they believe are opportunities for a better education. That is true for those with means. That is not true for children from low-income families. 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.

Public school systems as we know have tried all kinds of different innovations. They have reduced the size of classes, they have increased the length of the school year, they have raised teachers' salaries, they have lowered expectations, they have painted buildings, installed metal detectors, encouraged ethnicity, focused on self esteem. The bottom line is that most of these changes have not truly made a difference in educating children. They have not significantly altered the quality of education provided to these students. And they obviously have not improved results as measured by SAT scores or other tests—we have actually seen a reduction in these scores.

So the truth is, for low-income American families there is no choice about where they send their children to school for educational purposes. There is no competition within the system to force or to bring about innovative changes to make those schools better. And most important in terms of this amendment, there is no choice on the part of low-income parents to remove their child from an unhealthy, unsafe situation with the option of placing them in a safer school so they have the opportunity to learn.

Mr. KENNEDY. Will the Senator yield? I understand Senator LIEBERMAN is returning momentarily, prepared to speak on this. Just to try to give our colleagues an idea—I plan to stay here. If it is agreeable, we would be glad to enter into a time limitation, just in terms of the notification of the Members.

Mr. COATS. Mr. President, I will be happy to do that. As a Senator who has pressed long and hard for some scheduling sensibility, in terms of what we are going to do and when we are going to vote, particularly in the evening, I am more than happy to enter into a time agreement. I have, obviously, not had a chance to check with Senator LIEBERMAN or others. I would think before I am finished with my statement we can quickly run a check and find out how many other Members want to speak and how long they want to speak. It is perfectly acceptable to this Senator to work out a time agreement and set a vote if that is what is necessary.

Mr. KENNEDY. We will try to pursue that. From our side, I know Senator DODD wanted to speak, but I do not think we would, on our side, take more than probably 20 minutes or so. We will see what the desire is.

Mr. COATS. I would state to the Senator I think that is probably going to be roughly what we would need.

Mr. KENNEDY. Just to give Senators information, in that time we will try to indicate to the membership, at that vote, in consultation with the leader, what the rest of the evening will look like.

Mr. COATS. The Senator does anticipate a vote, then, following the debate?

Mr. KENNEDY. On this matter this evening, yes.

Mr. COATS. To continue, we have had a number of discussions about the concept of choice on the Senate floor. In fact, I offered an amendment in February and received 41 votes. That amendment was offered to provide demonstration programs for the choice concept—a $30 million authorized amount—that could be used in schools, 6 different schools, to test the concept of choice with a report back by the Secretary of Education to the Congress after a 2-year period of time so we could determine whether or not this concept was valid, in terms of improving educational opportunities.

During that debate, however, the Senator from West Virginia, Senator BYRD, came down and began discussing the amendment in terms of the crime and violence situation that exists in many of our schools. It was really that Senator's lengthy and important discussion of that aspect of the choice amendment that prompted Senator DOLE and I, and others, along with Senator LIEBERMAN, to adjust our amendment to primarily focus it on schools in low-income areas and high crime areas. What we are attempting to do is provide opportunities to parents of children who have no options, either relative to improving their educational opportunities given the local school that becomes their only choice, or in terms of increasing or improving their safety—which obviously has an effect on learning.

So the essence of this amendment is to direct the demonstration project—I want to stress this is not a mandate. This is purely a voluntary effort to stretch that opportunity relative to crime infested and violent areas and give parents a choice in that regard.

I do not know whether or not choice is the answer to all the problems with our educational system. I do know that what we have tried to date has not succeeded. Therefore, this idea, which I think is an innovative idea—and I think there are some examples of how it has worked around the country that we ought to look at—but I think it is an innovative enough idea with enough promise that we at least ought to try it.

So all we are doing with this amendment is simply saying try it. If the proponents of choice are correct, we will have some evidence to suggest that perhaps this is something we want to expand. If the opponents of school choice are correct in their assertions that it will not work, we will have evidence of that before the Senate. So, our

message is, "Try it, you might like it." If you are right and it does not work, then you will know. But why not at least give it a try?

So the amendment we are offering today is very simple. It says let us set aside a small amount of education dollars to allow low-income children to escape from violent schools. Our amendment would go specifically for the purpose of providing assistance to children from the lowest income homes who are trapped in violence-prone schools. 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 and income-based measurement.

A violence-prone school is defined using the same criteria used in the Safe Schools Act which was passed by the Senate. Senator DODD in that legislation outlined criteria which were used then, or will be used under this amendment, to define what a violence-prone school is. So that legislation is already in place. That has been adopted by the Senate.

The funds that would be made available under this amendment 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 what school needs to be chosen.

Mr. President, it is also important for Members to know that 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. So Members should be aware that nothing in this demonstration choice project can be used to thwart any desegregation plan or violate any civil rights of any student. No decisions, in terms of participation, can be made on the basis of race.

The total cost of the demonstration project would be a $30 million annual amount, and there would be no more than 20 schools that could participate. Schools would voluntarily apply for grants through the Secretary of Education.

It is also important to note, Mr. President, that we have specifically protected public schools from the loss of income that they might receive under the Elementary and Secondary Education Act because we do not want schools to be in a position where they will be penalized for losing students who have opted out because of the choice program that is available to parents and students within that particular area.

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

I really do not understand why anyone would want to oppose this particular amendment. 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. As I said, if it turns out that it substantially improves opportunity for low-income children, then why would we not want to provide that data to school districts and education agencies across the country? Why would we not want to have that set of information available so we can make intelligent choices? After all, our bottom line is not preserving any particular system. Our bottom line ought to be how do we provide the best education opportunities we can to American children?

In this particular area, we have denied that opportunity to children from low-income homes simply because they do not have the opportunity of choice as other students do from homes of increased means.

It is important to understand what the 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 doing this simply on a voluntary basis. It will not drain resources away from any public school or education system. We have a specific protection 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 opted out or numbers decreased. It cannot adversely affect the amount of funds available at this time.

Choice in education does not destroy public education. In fact, I would argue that it enhances public education. My hometown of Fort Wayne, IN, has had for decades an education system that has thrived on competition. We have a vigorous, effective Catholic parochial school system in Fort Wayne. We have a vigorous, effective Lutheran school system because of our heavy concentration of Lutheran belief. They have established their own system of schools. Those two systems exist alongside, I would say, with other private education opportunities, side by side with the public schools of Fort Wayne, IN, and all are successful.

They are successful because the parents and the 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 do not have.

Why do we not give this option to other schools, to other areas and, particularly, why do we not make it available to students of low-income parents in violence-prone areas?

I think there are many rational reasons to vote for this amendment. But I am going to close and give you 10 reasons to vote for this amendment. Reason No. 1, Michael Ensley; reason No. 2, Jose Luis Lopez; reason No. 3, Michelle McKie; reason No. 4, Cecilia Rios; reason No. 5, Demetrius Rice; reason No. 6, Glenn Brown, Jr.; reason No. 7, Gabriel Gettleson; reason No. 8, Jerome Cook; reason No. 9, Robert Tran; and reason No. 10, Jarrell Tompkins—all students, tragic stories of students injured or killed, subjected to violence because they had no choice as to where they could go to school.

Mr. President, I ask unanimous consent that the 10 examples be printed in the RECORD. I will not take my colleagues' time in reading these tragic cases.

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

VIOLENCE IN SCHOOLS

"A hundred and sixty thousand kids stay home every day from school, because they're worried if they're going to be safe at school. Are they learning anything? Are they going to be competitive workers? If you have the school drop-out rate, the poverty rate among kids, the level of crime and violence, if we spend money putting people in jail that we should be spending educating people on new technologies. All of these things drag our capacity down."—President Bill Clinton (from CNN, Larry King Live), April 20, 1994.

No one should need a reason to support the Coats-Dole amendment. But just in case anyone does, here are ten:

1. Michael Ensley.
2. Jose Luis Lopez.
3. Michelle McKie.
4. Cecilia Rios.
5. Demetrius Rice.
6. Glenn Browne Jr.
7. Gabriel Gettleson.
8 Jerome Cook.
9. Robert Tran.
10. Jarrell Tompkins.

TRAGEDY ONE

The memory of rushing her son off to school on Feb. 22, 1993 still haunts Margaret Ensley. "He was so slow, he just moved so slowly," she recalled. "I kept after him: 'Hurry up, you'll miss the school bus.' . . . I hurried him to his death." That morning, Michael Ensley was shot dead by a 15 year old classmate during a snack break at Reseda High School in Los Angeles, CA. (Los Angeles Times, February 20, 1994)

TRAGEDY TWO

Miquel Camarena, 19, faces life in prison without the possibility of parole for the murder of Jose Luis Lopez, a 17-year-old varsity soccer player who was shot in the head as he drove to school in Santa Ana, CA. Two days before the shooting, Camarena had lost a fistfight with the victim's brother. (Los Angeles Times, June 11, 1994)

TRAGEDY THREE

A sixteen year old teenager who told police he was "field-testing" a friend's handgun shot a Queens, NY high school student in the head outside her school, causing her to lose sight in her right eye. Michelle McKie, 14, a sophomore at Springfield Gardens High School, was about 400 feet from the building—which is equipped with metal detectors—when she was struck in the right temple. (Newsday, May 25, 1994)

TRAGEDY FOUR

In San Pablo, CA in March 1994, the body of Richmond High School student Cecilia Rios, 15, was discovered in a stairwell at Edward M. Downer Elementary School. She had been raped and brutally murdered, police said, by a 17-year-old acquaintance whose motive was robbery. (San Francisco Examiner, April 25, 1994)

TRAGEDY FIVE

In January 1993, Demetrius Rice, a 16-year-old student at Fairfax High School in Los Angeles, CA was shot to death by a classmate who accidentally fired a .357 magnum during an English class. (Los Angeles Times, February 20, 1994)

TRAGEDY SIX

Glenn Browne Jr. was shot by an 18-year-old gang member at Dorsey High School in Los Angeles, CA while he was waiting in a registration line on the first day of school. Glenn lost a kidney and will never again participate in sports. "I'm Scared—I'm still scared," said Glenn Jr. "I'm scared that they will come back and get me. I think about my body (and) how messed up I am. I can't play football or any sports at all. I can't really do nothing." The gang member who shot Glenn was looking for someone else. (Los Angeles Times, February 20, 1994)

TRAGEDY SEVEN

17-year-old Gabriel Gettleson was shot and critically injured at Chatsworth High School in Los Angeles, CA when he refused to give his backpack to two boys. Gettleson was waiting for his mother to pick him up and take him to his job. (Los Angeles Times, February 20, 1994)

TRAGEDY EIGHT

In March, Jerome Cook, 17, was shot four times at close range by Cornell Cheeks, 17, in a crowded stairwell at Eastern High School right here in Washington, DC. (Washington Times, March 10, 1994)

TRAGEDY NINE

In San Francisco, CA in February 1994, Wallenberg High School student Robert Tran, 17, was shot to death by a teenager with a .38 caliber revolver, three blocks from the Inner Richmond District campus. Tran's offense: intervening in a fight at a bus stop. (San Francisco Examiner, April 25, 1994)

TRAGEDY TEN

Jarrell Tompkins, 15 years old, has been wondering how to protect himself at Intermediate School 52 in Melrose in the Bronx ever since a classmate grabbed him and pressed a razor to his throat in a hallway robbery. (New York Times, December 12, 1993)

Mr. COATS. Mr. President, these are reasons why the Dole amendment is necessary. Let us give it a try. Let us see if it works. If it does not, then the opponents can say we tried it and it does not work, let us move on to something else. If it does, maybe we can make some opportunities to young people. I think that should be our goal.

I will be happy to either yield the floor or submit for a question.

Mr. JEFFORDS. Mr. President, this certainly is intriguing the way the Senator describes it. My question is, when we put in place a demonstration program, we have in mind that it is going to lead to some sort of goal that will solve the problem. In this case, the problem the Senator from Indiana is pointing out is violence in the schools.

I am a little confused as to how removing kids from the violent area and placing them in another area is going to help solve the underlying problem of violence in the schools. I expect that it may show that the children who leave the schools do better, but I do not believe that it addresses the central issue of making these schools safer places for our children to attend. How will this program solve the problem we have here which is the violent schools themselves? What will this demonstration program accomplish other than moving everybody out of the school?

Mr. COATS. There are two problems we are dealing with. One is how do we improve educational opportunities and the quality of education for young people. That was the original intent of the choice amendment that I offered in February.

It will demonstrate, as if we need the demonstration, we can demonstrate and we can allow the Secretary of Education to test the concept and report back to us as to whether or not the educational advantages and opportunities that many parents think their children will have if they have a choice of schools, whether or not that is a valid concept.

But it will also give parents who select into the choice program because they happen to live in violence-prone areas an opportunity to provide a safer learning environment for their young people. It does not solve the problem of crime in schools. The Safe Schools Act which we passed is more directly related to solving this specific problem, and we have to solve that problem.

But in the meantime, why do we not at least allow, on a test basis—we would like to do it on a greatly expanded basis, but we cannot get the votes for that—why do we not at least allow on a test basis a concept that we can report back to the Congress and see what difference it might have made.

Mr. JEFFORDS. Just to follow up, it seems to me that the Senator from Indiana already thinks he knows what the outcome of this test will be and that he just wants to develop a school choice program. Certainly, if it does not work with schools in violent areas, choice is not going to work anywhere.

However, I still do not understand how this program will solve the school violence problem for those unfortunate kids who have to remain in the school. The Senator gave a list of kids' names. Next year there will be different kids. There will always be kids attending violent schools if we do not solve the basic problem. Not all of the children will go to private schools. I am a little confused as to what we are going to learn from this demonstration project, other than what we might expect, and that is kids in safe schools will do better than kids in violent schools.

Mr. COATS. As I said, we are attempting to reach two goals. One of those goals is directed to give the parents the opportunity to protect their children. One of those goals is to be able to tell the parents of these students whose names I have read, Michael Ensley's mother and Jose Luis Lopez' mother and father, and Michelle McKie's mother and father, that they do have a choice; that they will not be strictly limited by their income; that they will have an opportunity to send their young people—remove their child from a school that they know is not only not contributing to their learning but is so violence-prone that their very health and safety is in jeopardy.

Now, it may send a signal to some of those inner-city schools that unless they can find a way to provide a safer environment, that school ought to close. But I think the safety of the students ought to be our primary concern, not whether or not the building remains in a particular location. As Senator DOLE said, maybe some inner-city schools will have to close because we will not be able to solve the problem, we will not be able to come up with enough metal detectors or security guards to provide parents the assurance that their children will be safe. And if that is the case, rather than perpetuate a system that, number one, is not educating those children, but, number two, cannot keep them safe, why not at least look at alternative ways to provide education to our young people. It may mean moving the whole school to another location, if that is necessary to provide a learning environment and safety for the students.

Mr. JEFFORDS. One more question, if I may. As the Senator knows, there are numerous sources of funding that the Senator could have tapped into for funds to support this demonstration. In this bill, for example, there are a large number of demonstration projects. In addition, this type of demonstration program seems particularly relevant to the Safe Schools Act. Why did the Senator choose to take funds from the Goals 2000 program, funds that are designated as planning money for States, not for demonstration programs?

Mr. COATS. My understanding is that because the Goals 2000 funds became available last month, just last month, only one State, Hawaii, was ready to apply for those funds, so those funds are sitting there unused at this particular time. We thought this was an appropriate way to use the funds.

As the Senator knows, we are all searching for scarce resources, and if it is not one it is another. But I just think that out of the very substantial—how much is this bill?

Apparently the section that we are dealing with is a $400 million-some section, and we are allocating $30 million out of this section for this particular purpose. We think it is a worthy demonstration project and would make good use of those funds.

Mr. JEFFORDS. Is my memory correct that the Senator voted against the Goals 2000 bill?

Mr. COATS. It is. But not for that reason. I voted against it because the opportunity-to-learn standards I thought imposed Federal mandates and Federal restrictions on States and decisions that I thought ought to be made at the State and local level now had the potential of being usurped at the Federal level.

But that was a different reason for voting against that bill than what we are talking about here. Just because I voted against the bill does not mean that I am not willing to tap some of the funds for what I think is a better purpose.

Mr. JEFFORDS. I think that is rather obvious. I thank the Senator.

Mr. COATS. Mr. President, we are waiting for Senator LIEBERMAN, who is a cosponsor with me and Senator DOLE on this amendment.

I would note that it is a bipartisan effort, Republicans and Democrats concerned about the serious problem we have in many of our public schools, particularly our inner-city schools, joining together to try to fashion an idea and a solution—at least test the concept. I think it is a modest effort, hopefully one that would be proven to be successful so that we could expand it in the future. I do not see what Members have to fear about testing something. That is what this is designed to do. It is a demonstration project allocating $30 million.

I will yield the floor at this particular time. My colleague, Senator LIEBERMAN, has just arrived and Senator KENNEDY perhaps wants to respond. So, Mr. President, I will yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have talked with the majority and the minority leaders and the floor managers, and they are prepared to have a vote on this up and down at 8:15, with no other amendments to be in order prior to the disposition of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it so ordered. The vote will occur at 8:15.

Mr. KENNEDY. Mr. President, we have now 20 minutes, so why not have the Senator from Connecticut, if he would, take 5 or 6 minutes, and then I think Senator DODD and I would share the remaining time, if that is agreeable.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. LIEBERMAN] is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am proud to join with Senators COATS and DOLE in a bipartisan effort to give school choice a chance to prove itself as one solution to the problem of educating poor children in America.

We all know the tragic record of public education in some of America's poorest neighborhoods. Children have to worry more about getting shot than learning. And more and more people are becoming convinced that the answer is just not more money. If the bureaucracy of education in poor cities and towns is broken, additional money may be wasted—not invested in our children.

That is why many of us are looking for new answers to this education crisis. We want big change because we recognize how damaging the status quo is to America's children in particular, and American society in general. Who can deny that the lack of a good education is directly related to the problem we are focused on like crime, welfare, dependency, unwed mother-and-fatherhood, unemployment?

In both Goals 2000 and in Improving America's Schools Act of 1994 we have made a concerted effort to build a new framework for educational change, innovation and effectiveness at the local level. The charter schools program, a concept developed and implemented at the State and local levels and which provides for new and innovative public schools is an example of that new framework for choice now supported by these two bills. It is in this spirit of innovation, of building a framework for choice and a realization that localities have the best insight to implement change that works, that this amendment is offered.

The amendment simply establishes a program of demonstration projects for school vouchers which would empower the parents of poor children, especially those exposed to violence in their schools, to choose a private, parochial or public school instead of being given no choice at all. It will give poor children the same educational options middle class children now have. Faced with the loss of children, the program could motivate public schools to be more competitive, to react much more forcefully in tackling their problems. The legislation tries to replace a bureaucratic framework with a competitive framework to drive improvements. Our proposal is modest, inexpensive and potentially revolutionary in its impact if it succeeds and adds another degree of freedom of choice for our communities.

School vouchers represent fairness. People who are poor have relatively few choices in life. But one important part of their life that I believe they deserve a choice is when it comes to the education of their children.

Given the choices, I believe many poor parents will choose to send their children to better public schools or to private * * * and particularly to private parochial schools. There is evidence that parochial schools are a great alternative to public schools for some students. For example, a Rand Corp. study evaluated the performance of a comparable group of black and hispanic children at Catholic parochial schools and public schools. The study showed that the gap in performance between minority children and all other children dropped significantly in the parochial school system.

The Rand study also found that these parochial schools performed better because they had a rigorous academic curriculum, were independent of the stifling effects of too much bureaucracy, and they could provide students with more attention. I personally believe the success of parochial schools also has something to do with a special sense of mission, purpose and values.

Some people are concerned that extending vouchers to low income students will harm, or even destroy, public education. That is nonsense. What we are trying to do is recognize that some of the schools in the most economically depressed parts of our country are failing our children. This is not another program which will result in moving the advantaged student out of the public school system. This is however all about whether schools which have been successful at educating those who can afford choice can also be successful at educating those who we now provide the opportunity of choice. It is a program in which families can provide their children with an opportunity of a quality education instead of waiting for future solutions provided in this fine bill to take effect but which in all likelihood will be too late for their own children.

We need to, first give students a choice so they can make a better life for themselves. Second, we must create competition for the established bureaucracy and the failing schools that can result in the kinds of changes that money can't buy * * * changes in the quality of what is taught, and the environment in which it is taught. This demonstration program will help all schools, including public schools, learn new ways to meet the needs of some of our most disadvantaged students.

So today I join with Senators COATS and DOLE in saying give choice a chance. If it works, we can expand it to the benefit of millions of young people throughout our country. If we do not try, we will never know how much it could have helped. We will only know that the current system until it is drastically changed, will go on, failing too many of our kids, especially those who need the most help.

In conclusion, Mr. President, I am glad to join with my colleagues from Indiana and Kansas in supporting this amendment which again puts before the Members of the Senate the choice of whether we are going to allow choice for parents of children in our school systems to send their kids to a range of alternatives to educate them. And really more specifically this is a question of whether we are going to give children in poor families the same opportunity that children in wealthier families have to go to the school of their choice if they are not satisfied with the public school in their area for various reasons, either the quality of education or, as this amendment points out, the quality of safety and security.

Mr. President, in so many ways we come back on this floor to matters that deal with the public's concern about values and the erosion of values in our society. And the concern of so many parents I talk to in Connecticut about how they can raise their children in this society in the way that they want to raise them. So many parents have said to me that they feel in conflict with other forces in society—entertainment, peer pressure—and so the values they want to give their kids are harder to carry forth.

The public schools in the United States have been really given too many burdens, asked to answer and respond to so many social crises that I express in the first instance my admiration for so many of the administrators and teachers who are doing such extraordinarily good work in our public school system, but the fact is that the public school system as we know it, of which I am proud to say I am a product and supporter, the public school system, unfortunately, is failing many of our children, failing to educate them, prepare them, give them not only the skills but in some measure the values that we want them to have to be successful, self-sufficient, and in the broadest sense be good citizens.

The idea of school choice I think proceeds from these principles, and it is to give parents a choice of where they can send their kids. To do so, to recognize and honor that parental role but also to create some competition in the school systems so that through that competition hopefully the public schools, which are our main responsibility, will become better.

Mr. President, my interest in school choice, I will be frank to say, also has one of its origins in my own observations of the religious or parochial schools in the State of Connecticut, performing I think with remarkable effectiveness, performing with remarkable effectiveness and value this educational function particularly in cities with poorer areas, with a real sense of mission.

Mr. President, I made reference to a Rand Corp. study that evaluated the performance of a comparable group of poorer children at Catholic parochial schools and public schools and showed that there was a remarkable gap in performance.

That is to say, the gap in performance between poor children and minority children and the rest of the population diminished dramatically in the parochial school system. The Rand study found that these parochial schools perform better because they had a rigorous academic curriculum, were independent of the stifling effects of too much bureaucracy—which unfortunately burdens some of our public school systems—and they were provided more attention.

I also must say that part of this study said that the students in the parochial schools did better because all the students were held to a higher standard and were, in a sense, given the courage and confidence to believe that they could do better, and, as a result, did better. I personally believe that the success of these schools has a lot to do with the sense of mission and purpose and values of those who run them.

So many of these schools in urban areas are suffering financially. So many have failed in the last decade that we have this anomaly of a separate school system that is performing a public function so brilliantly and yet does not have the wherewithal to go forward.

In part, this amendment, which recognizes and honors the capacity of parents to choose where they want to send their children also is an attempt to provide an alternative that will give their children the values that we miss in our society.

Mr. President, I ask for a moment more to conclude my remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, let us talk briefly——

Mr. KENNEDY. Mr. President, reserving the right to object, what was the request?

Mr. LIEBERMAN. Two moments more.

Mr. KENNEDY. Reserving the right to object, we have an agreement for a vote at 8:15. Other Members have complied with that. I want to be fair to all the Members.

Mr. LIEBERMAN. I would have objected, if I had known that the limitations were going to be that strict. I will take a minute and enter my statement in the RECORD.

The point is that this is a test. Are any of us in this Chamber so secure about the success of our current school system and so sure that we do not want to give more choice that we are not even prepared to test how a choice system will affect parental rights, education of our children, and, yes, public schools, and come back after 3 years and decide, based on that test, whether we should go forward or terminate it and realize that there is nothing more to do?

Mr. President, I say that our schools are failing a lot of our children. The choice is one way to better educate them, better prepare them, and it is at least worth the test provided in this amendment.

I thank the Chair.

Mr. KENNEDY. Mr. President, how much time remains for those opposed?

The PRESIDING OFFICER. Twelve minutes.

Mr. KENNEDY. I yield 4 minutes to the Senator from Connecticut and to Senator BYRD whatever time remains.

Mr. DODD. Will the Senator yield? Is there time left for anyone else?

Mr. KENNEDY. The Senator from Connecticut has 4 minutes. We have agreed to have a vote at 8:15 by consent, since we worked that out with the majority and minority leaders.

Mr. President, I yield myself 3 minutes and the Senator from Vermont 2 minutes.

Mr. President, one thing that does not have to be demonstrated is whether children learn better in a safe school rather than in a nonsafe school. The idea that we have to have a demonstration program of $60 million for that really is not a very, very significant persuasive argument. We know from all the national assessments, from all of the State assessments, and from the assessments made in title I that children learn more in terms of a safe school. That is No. 1. We have to ask ourselves. Does this really add to the whole issue of violence prevention in our schools?

Over the period of this last year, in our Goals 2000 bill, we have important authorization for grants to school districts for violence prevention. I am a conferee on the crime bill. We have $100 million for school safety in there. We have the community schools program of $500 million over 3 years to support after-school summer activities to provide alternatives to violence; the prevention council of the Senator from Connecticut [Mr. DODD], to support community-based activities; drug-free schools. There is $500 million in this bill to do the same kinds of things to deal with the problems of violence and, also, of substance abuse.

We are attempting to deal with that. And the idea that we have another program to try to deal with that, I think, at this time takes scarce resources that are out there to support this effort for needy children. That is what the ESEA program is all about. It is about needy children. To take scarce resources out of that kind of program makes no sense.

It is basically a voucher program. It is as plain and simple as that. We know that. This amendment is called "fight

or flight." If we adopt the amendment, we will be giving up the fight and encouraging only the flight.

By giving the vouchers to children in unsafe schools, this amendment would abandon the schools that most need help. Effectively, as the Senator from Vermont pointed out, we would be abandoning all the other children in those schools. We need to help them as well. So instead of flight, we should take up the fight against school violence.

I believe we have made an important downpayment on that program. We will need the help and the support of all Members. But I hope that this measure is not accepted. We should not abandon our public schools. We should make them safer and more substance free.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Connecticut is recognized for 4 minutes.

Mr. DODD. Thank you, Madam President. Let me thank my colleague from Massachusetts and the Senator from Vermont.

It is a rare occasion that I differ with my colleague from Connecticut on issues. But on this issue, we fundamentally disagree.

Let me say to my colleagues, we have had this debate in the past. The question here is the same as always—should we move away from the public school system. Choice, it has an appealing sound, but what we are basically talking about is Federal funding of a dual school system.

So whether we frame the argument in terms of safety, money or whatever other issue people may come up with, we always must come back to the same basic issue. So finding a different logic for it does not in any way digress from what the fundamental question is. The fundamental question is, Should we use American taxpayer money to fund a dual school system? In my view, that would be a tragic mistake.

If school safety is the issue, we ought to take the resources identified in this amendment, $30 million, and apply them to our effort to make schools safer. Earlier this year, when we passed the Safe Schools Act, we were only able to manage to get some $20 million for the entire program. I wish I could have gotten more when I introduced that bill. But that is all I could get.

This amendment would take $30 million, $10 million more than we were able to get for the entire Nation to improve the safety of our public schools, and come up with pilot programs in 20 States to give a few the opportunity to go someplace else.

In my view, we must confront the problem—not run from it. And violence is serious. As I said earlier today, it is very difficult for children to learn or teachers to teach in a threatening environment. In New Haven, CT, the public secondary schools spend almost $1 million a year for security and safety. That is tragic, in my view; but at least they are working to make the schools safer through concrete, directed efforts to improve the school environment.

This amendment presents a much different course of action—abandon the schools. Schools will not get less violent, less threatening, less intimidating for those students and those teachers by merely encouraging some to go off to a private or parochial school. Our responsibility—all of us as citizens; forget our titles as Senators or Congressmen—our job as citizens is to go to work on this problem in the public and private sector to come up with some answer to reduce the violence and not to walk away from it.

And our schools need our help—violence, disinvestment, and declining revenues plague some of our schools, just as they do many other community institutions. But our schools are not ignoring these problems. Even with limited resources, many are digging themselves out of these problems to offer real hope and opportunities to students. James Comer in Connecticut has lead a revolution in public schools across the country to support parents and improve education through community involvement and reinvestment in the schools. Public magnet and charter schools are flourishing in offering innovative curriculum to students. School safety programs, from conflict resolution training to metal detectors, are becoming as common in schools as social studies as schools work to meet the challenge of violence.

Our goal must be to lend a hand in these critical efforts not withdraw our support. And that is exactly what this amendment does in diverting Goals 2000 schools improvement funds to private school vouchers.

The sponsors of this amendment have perhaps aptly titled it "Fight or Flight." And they chose flight as a response to the crisis in our schools. Mr. President, I believe, we, as citizens and as a body, must chose the more courageous path. We must fight for our public schools, not fly from them, when they most need our help.

That would be a great tragedy. And the adoption of this amendment would, in fact, do just that.

Madam President, I yield to the Senator from Massachusetts whatever time I have remaining.

Mr. KENNEDY. Madam President, I assume we have 5 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield that to the Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished Senator from Massachusetts, the manager of the bill. I do not need 5 minutes. I wish to express opposition to the amendment, and I direct my attention and the attention of the Senate to section 1704, "Funding and Reservations," which reads as follows: "Funding: From amounts appropriated to carry out the Goals 2000: Educate America Act, the Secretary shall make available $30 million for each of the fiscal years 1995 through 1997."

Madam President, this is not an appropriations bill.

Mr. COATS. Will the Senator yield on that? I think I can clarify that for the Senator, because he is absolutely right.

Mr. BYRD. I yield.

MODIFICATION TO AMENDMENT NO. 2417

Mr. COATS. Senator, there was a drafting error. The legislative counsel, the individual who handles the education area, unfortunately, was at a funeral today, and so the bill was handed to someone else, and they made an error. I have a modification which would change that. The Senator is right. It should read that "there is hereby authorized to be appropriated." The word "authorized" was left out.

So I send this modification to the desk. It is an important modification. It was an error as a result of the individual who normally drafts this not being available today.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 2417), as modified, is as follows:

In lieu of section 1704(a) insert:

SEC. 1704. (a) AUTHORIZATION.—There are hereby authorized to be appropriated to carry out this section.

(1) $30,000,000 for fiscal year 1995; and

(2) Such sums as may be necessary for fiscal year 1996 and each fiscal year thereafter.

Mr. BYRD. Very well. I thank the Senator for his modification. I yield the floor, and I yield the remainder of my time.

Mr. KENNEDY. Parliamentary inquiry. As I understand it, it is $30 million this year, and so it could be any number, any figure afterwards. So it could be $30 million this year, and it could be any figure into the future on the Goals 2000.

Mr. COATS. More or less, Madam President.

Mr. KENNEDY. Madam President, I see the time is about expired. I hope that this amendment, for the reasons outlined here, will not be accepted.

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. METZENBAUM. Mr. President, I share the concerns expressed about the serious issue of violence in our schools. That is why I cosponsored the Safe Schools Act, an important violence prevention initiative recently passed and funded by Congress.

In addition, the Improving America's Schools Act which we are considering today will expand the focus of the Drug-Free School Program to include

violence prevention. This important expanded program will provide funds to local schools for projects designed to combat problems of violence and enhance school safety. Funds can support a variety of approaches, including important violence prevention activities such as conflict resolution, peer counseling, and after-school programs.

I want every child to attend a safe school. But I fail to see how the amendment offered by the Senator from Kansas will help us to accomplish this goal. This is yet another amendment which proposes to abandon our public schools, rather than helping them to surmount their problems.

The amendment will do nothing to help those schools and neighborhoods which are beset by violence. Instead, it will make matters worse, by diverting scarce funds from our public schools to private and religious schools.

I want to remind my colleagues that twice within the last 2½ years, the Senate has gone on record against this ill-conceived policy, defeating two separate amendments which would have provided vouchers for students attending private and religious schools. It was a bad idea then, and it's still a bad idea now.

Yet today we are once again faced with an amendment which would offer public funds to children attending private schools—the so-called "Fight or Flight" amendment.

And the fact that the name and the details have changed, doesn't change the reality that this is simply the same old proposal under a different disguise—a cynical attempt to use the fear of violence to enact the same old voucher scheme.

And it doesn't change the fact that this is simply bad public policy, which would unwisely break down the barrier between church and state and distract our attention from the real needs of our public schools and the vast majority of American children who attend those public schools.

Private school vouchers will do nothing to help these children, since private schools are under no obligation to accept them. Private schools can select students based on any criteria they wish, rejecting those who may be discipline problems, or disabled, or who may have learning disabilities. In Milwaukee, for example, one of the few sites where vouchers have been tested, vouchers are available for 1,000 public school children. Yet the private schools have never enrolled more than 750 or so of these students.

Funneling Federal funds to private schools drains limited funds away from underfunded Public Education Programs at a time when public schools throughout our Nation are facing serious financial problems.

The current budget situation places severe constraints on funding for Federal Education Programs. This is not the time to divert scarce dollars to private and sectarian schools.

And once again, Mr. President, this is the nose under the tent amendment. While this amendment may be somewhat 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.

If we are really concerned about violence in our schools we should address that problem head on by providing our public schools with the support and resources they need to deal with their problems.

The "Flight" amendment proposes simply to abandon our system of public education, I urge my colleagues to oppose the amendment.

FLIGHT OR FLIGHT AMENDMENT

Mr. DURENBERGER. Mr. President I rise to support the amendment offered by my distinguished colleagues from Kansas, Indiana, and Connecticut which authorizes a limited demonstration program to give low-income parents expanded education choices for their children.

This 3-year demonstration is focused on low-income children who attend crime prone schools. Eligibility is based on students who qualify for free or reduced price meals under the National School Lunch Act. Only those students from schools that the Secretary of Education designates as crime prone will be eligible for a $2,000 scholarship that can be spent at private and public schools. Parents can use grant funds for tuition and fees, reasonable transportation costs, and supplementary education services for their children.

As my colleagues know, my own State of Minnesota has taken the lead nationally in expanding the right of parents to choose which schools their children will attend. Minnesota has also been at the forefront of efforts nationally to expand the number and diversity of schools that parents may choose from.

Even in a State like Minnesota which is known for its leadership on public school choice, we are using a number of different ways of delivering what is a new and broader understanding of public education. More and more creative education reform ideas are being tested, like charter schools, which can bring the public and private sectors together.

At a time when our communities and schools are under increased pressure, I believe that we need to try a number of different approaches to improve the academic achievement of our children. This amendment offers another way to do just that. I intend to support this amendment and urge my colleagues to do the same.

The PRESIDING OFFICER. The question is on the amendment offered by the Republican leader.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

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

The result was announced—yeas 45, nays 53, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—45

| | | |
|---|---|---|
| Bennett | Domenici | Mack |
| Bond | Durenberger | McCain |
| Boren | Faircloth | McConnell |
| Bradley | Gorton | Murkowski |
| Breaux | Gramm | Nickles |
| Brown | Grassley | Nunn |
| Bumpers | Gregg | Packwood |
| Coats | Hatch | Pressler |
| Cochran | Hutchison | Roth |
| Cohen | Johnston | Simpson |
| Coverdell | Kassebaum | Smith |
| Craig | Kempthorne | Stevens |
| D'Amato | Lieberman | Thurmond |
| Danforth | Lott | Wallop |
| Dole | Lugar | Warner |

NAYS—53

| | | |
|---|---|---|
| Akaka | Glenn | Mitchell |
| Baucus | Graham | Moseley-Braun |
| Biden | Harkin | Moynihan |
| Bingaman | Hatfield | Murray |
| Boxer | Heflin | Pell |
| Bryan | Hollings | Pryor |
| Burns | Inouye | Reid |
| Byrd | Jeffords | Riegle |
| Campbell | Kennedy | Robb |
| Chafee | Kerrey | Rockefeller |
| Conrad | Kerry | Sarbanes |
| Daschle | Kohl | Sasser |
| Dodd | Lautenberg | Shelby |
| Dorgan | Leahy | Simon |
| Exon | Levin | Specter |
| Feingold | Mathews | Wellstone |
| Feinstein | Metzenbaum | Wofford |
| Ford | Mikulski | |

NOT VOTING—2

| | |
|---|---|
| DeConcini | Helms |

So the amendment (No. 2417), as modified, was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, that was the final vote for the evening. We have a full agenda for tomorrow.

I have talked with the Senator from Washington [Mr. GORTON] who indicated he would be prepared to lay down his amendment as the first order of business. We hope that we would be able to, after the beginning of the debate, perhaps indicate to the membership the time that we might need to consider that amendment.

Then we have a number of other amendments. Although we will not ask consent tonight, I hope to lay down after that the amendment of the Senator from New Mexico [Mr. BINGAMAN]. He had even indicated he would be prepared to debate his amendment this evening, but we had already indicated

to the Senator from Washington that his would be the first order of business. So that is the way we will proceed.

We hope that Members who do have additional amendments would be in touch with us during the course of the evening and with staff so that we could try and accommodate the Members on their different proposals and to move along on the consideration of this legislation.

I think this has been a very instructive day. We have had two major policy issues that have been raised, which, at least for the purposes of this legislation, have been resolved.

There will be several other items tomorrow. But it would certainly appear to me, with the items which we have been given, that we will be able to move along in a pretty reasonable fashion. There are the broad issues related to the census that we will have to deal with. We have the single-sex school amendment by Senator DANFORTH. There is the longer year programs of Senator SIMON; increasing funding for education, basically by Senator SIMON and Senator WELLSTONE; some rural national service programs by Senator MCCONNELL; and probably two or maybe three other items. There is also the IDEA amendment of Senator GORTON.

So I ask that all Members that do have amendments if they would communicate them through the night and early in the morning.

I understand what the leader has said that he has every intention of completing this legislation and also completing the Breyer nomination prior to the conclusion of business this week.

We are planning to be here all day. We understand that there will be a period of time at the noon hour for the services for our recent departed colleague, Hugh Scott, of Pennsylvania. But we will be here during the morning. We will try to work even through that period to try to dispose of some of the amendments and through the afternoon.

The leader has indicated—and we want to indicate to all of the Members—that we intend to go through the evening tomorrow. It is Thursday evening. That is the late night Senate evening. We will be prepared to move along and consider amendments during the course of the evening tomorrow night.

The majority leader and the minority leader will obviously make the ultimate decision on the schedule, but that is the way that we will proceed.

Again, I say, I hope all of the Members that do have amendments will let us know.

I want to thank all Members for their cooperation today. We have had a good discussion and debate. I think it has been an important debate. Obviously, Members have thought a good deal about these issues. I think it has been a very constructive day in the consideration of a very, very important bill. We will look forward to similar debates tomorrow.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. FORD. Madam President, I ask unanimous consent there now be a period for morning business, with Senators allowed to speak therein for up to 3 minutes each.

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

## GENERAL J. GARY COOPER'S NOMINATION AS AMBASSADOR TO JAMAICA

Mr. HEFLIN. Madam President, I rise today in strong support of the nomination of Mobile, AL businessman and retired Marine Corps Maj. Gen. J. Gary Cooper as the United States Ambassador to Jamaica. General Cooper has shown through his long career of military and public service that he is an excellent choice for this diplomatic assignment.

In 1958, after earning his degree from the University of Notre Dame, the young Gary Cooper entered the marines. Over the next 30 years, he rose from the rank of second lieutenant to major general. As a captain in Vietnam, he led a rifle company and was wounded twice. He received Purple Hearts, a Bronze Star, and four Vietnamese Crosses of Gallantry for his leadership and bravery in combat. In 1969, General Cooper returned to Mobile to run his family's business. Meanwhile, he remained active in the Marine Reserves.

Back Alabama, General Cooper diligently resumed his commitment to public service in the political arena. He sat in the Alabama House of Representatives from 1974 to 1978. He then became Commissioner of the Alabama Department of Human Resources under Governor Fob James. He did an excellent job as commissioner, a post he filled until 1981.

In 1988, General Cooper was promoted to the rank of major general in the Reserves and directed Marine Corps recruitment until his retirement from military service. He was chosen in 1989 as Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment. In this Pentagon post, he played a key role in the military preparations for the Persian Gulf war and once again proved his competence, leadership, and devotion to this country.

General Cooper is currently a senior vice president for David Volkert and Associates consulting engineers and board chairman for Commonwealth National Bank. His experience spans over three decades in the public service arena. I am certain that he is qualified in every respect for the position of Ambassador to Jamaica.

I am proud to support General Cooper for this important post, and know that he will prove to be a capable and effective United States Ambassador to Jamaica.

## INVESTITURE OF JACK CADELL AS BANKRUPTCY JUDGE

Mr. HEFLIN. Madam President, I wish I could have been in Decatur, AL on Friday, July 15, to have witnessed Jack Cadell's investiture as a bankruptcy judge for Northern Alabama. As a serviceman, lawyer, and always active citizen, Judge Cadell has demonstrated a strong commitment to his country and to his native region.

Jack Cadell was born in Decatur in 1945. As a young man, he served in the ROTC, the Alabama National Guard, and the Naval Reserve. At the same time, he completed his education at the University of Alabama. He earned a law degree from the University of Alabama in 1970 and served as a law clerk to U.S. District Court Judge Seybourn Lynne, also in the Northern District. Jack's formal education is certainly extensive. However, I have a feeling that he also had some early legal training from his father and my great friend, John Cadell.

Jack has been practicing law for more than 20 years, primarily in the area of bankruptcy law. His intellectual and technical legal expertise have made him one of the most respected bankruptcy lawyers in the State. For many years, he worked with the law firm of Caddell, Shanks, Harris, Moores & Murphree. By establishing his own practice after the 1979 bankruptcy law revisions, Jack Cadell demonstrated his personal work ethic and his ability to handle every aspect of the law.

Jack has also served as a part-time municipal judge in Decatur and is a past president of the Morgan County Bar Association. He enjoys an excellent reputation for thoroughness and fairness throughout the region and State.

Jack knows the people of Northern Alabama, and he knows the specific issues and concerns which are unique to this area. His practice frequently takes him all over the district, to Florence and Huntsville, Gadsden and Anniston, and always back here to Decatur, where he lives with his wife Amy and their two daughters.

Jack Cadell has proven himself to be a great citizen and a great lawyer; I

have no doubt that he will also prove himself to be a great judge. He will bring fairness to the bench from his experience on both sides of bankruptcy law. I am certain that as bankruptcy judge for the Northern District, Judge Cadell will continue the great legal tradition of the Caddell family. He is well qualified and will make an excellent judge in every respect.

I want to congratulate him and wish him all the best for a long and productive tenure on the bench as a bankruptcy judge.

## LESSONS WITHOUT BORDERS

Mr. SARBANES. Madam President, last month I had the honor of participating in the launching of the U.S. Agency for International Development's Lessons without Borders Program series at Morgan State University in Baltimore. At that event, city officials, community leaders, and USAID professionals came together to initiate a dialogue on some of the problems that affect developing countries and U.S. inner cities alike, with the goal of sharing methods and solutions.

The program demonstrated not only that we can learn from the experience and creativity born of hardship in other countries, but that together we can develop common approaches that result in greater benefits to everyone. In areas such as providing preventive health care services, making credit available to small mom-and-pop businesses, eradicating preventable diseases, and lowering childhood mortality, there is much to be gained by taking advantage of some of the cost-effective and broad-based solutions that have been applied in the developing world. By sharing directly the ideas, information, and techniques that have been used in their respective areas, community service professionals and development experts are multiplying the impact of investments in domestic revitalization as well as in international development.

I would like to commend USAID Administrator Brian Atwood, Vice President AL GORE, Jr., Baltimore Mayor Kurt Schmoke, and all of those USAID and the city of Baltimore who made the June 6 event possible, and I would ask unanimous consent that the attached articles about the program, along with the Vice President's speech, be printed in the RECORD.

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

LESSONS WITHOUT BORDERS

(By Vice President Al Gore)

I've just come from a ceremony commemorating D-Day. We remember the actions fifty years ago today—not only of the allied soldiers—but also those who sacrificed at home.

But anniversaries of famous battles aren't just the cause of celebration. For while they remind us of the heroes of freedom and democracy they also remind us of the grim horrors of war—destruction and loss. They make us renew our effort to prevent future wars.

After WWII, it was the Marshall plan which aimed at revitalizing the economy and communities in Western Europe.

And it was a success. We helped Western Europe build a self-sustaining system which embodied participatory democracy, protected the free market and unleashed their productive energies.

And the Marshall Plan's success led to other foreign aid efforts. Like President Kennedy's Foreign Aid Act of 1961 which extended aid to Africa, Asia and Latin America.

He said soon after entering the White House that the developing world is "The great battle ground for the defense and expansion of freedom."

Since that time, we have learned many lessons in our efforts to aid developing nations. Lessons about housing, nutrition, vaccinations, prenatal health care and disease. Now it's time to bring the lessons we have learned abroad home, for these are "lessons without borders."

That's why we're here today. To continue a dialogue between development experts and those here at home who are working to solve economic and social problems in the United States.

I am particularly pleased that USAID has taken the lead on this.

Under Brian Atwood, the Agency has taken on the task of redefining its mission to meet the needs of the post-Cold War world. USAID has been a leader in the program I chaired, the National Performance Review, and it has made itself an official reinvention laboratory.

Those who may think reinvention is just another word for shuffling around bureaucratic boxes should look at what USAID is doing here. Since the Foreign Assistance Act became law thirty-three years ago, thousands of Americans have become involved in the rebirth of nations. They're agricultural experts, advising on soil conservation, cattle breeding and crop management.

They're teachers—helping communities establish schools where children are now learning to read, and technical facilities, where adults learn the skills they need to compete in a changing world.

They're water and waste experts, helping to set up clean water supplies and develop efficient, affordable ways to recycle waste.

They're public health officials—setting up clinics where expectant mothers and their children can receive health care, and whose effect is felt long after they have left.

They are precisely the kind of people who can help us solve problems within our borders.

Whether it's developing vaccine programs in Mali and Manhattan, or treating dehydration in Bangladesh and urban areas in the U.S. such as right here in Baltimore, some lessons are universal.

Let me give you some examples:

IMMUNIZATIONS

A few weeks ago we recognized Immunization Week at the White House. We pledged to keep working on developing new immunization strategies until children cease to die needlessly from diseases which are easily prevented.

In 1990, only 39 percent of inner city children in the United States were immunized against measles.

In Mali, infant mortality rates are among the highest in the world: over two-thirds of childhood deaths could be prevented by vaccination.

The University of Rochester is currently working in partnership with the Columbia University in Mali to improve child immunization levels among the poor, urban populations.

DEHYDRATION

Dehydration kills 3 million children every year. In the United States it kills up to 600 children and hospitalizes thousands every year.

USAID has found that feeding children a mixture of water, sugar, and salt prevents diarrhea from causing dehydration. This treatment costs pennies a day.

It now saves more than 1,000,000 lives a year.

SOCIAL MARKETING

USAID is using marketing techniques all over Africa, much like Colgate toothpaste, to "sell" socially important products like condoms, or messages stressing the importance of breastfeeding.

They pretest, package and promote the materials and launch the products just like a business would. This cause-related marketing is another example of something we can use within our borders.

COMMUNITY BASED SERVICES

USAID identifies credible people within the community and forms a network between these groups—in places like Kenya, Nigeria, Guatemala and El Salvador.

The groups then serve as actual service providers—going door to door to identify children with diarrhea or pregnant women. They then pass along their knowledge so the people can "help themselves." This is an excellent example of community empowerment and we can use this same idea right here at home.

PEST MANAGEMENT

Alley farming is a technique used in Nigeria to control crops without pesticides.

Rapidly growing trees are planted in bean fields, becoming an artificial host for parasites. The beans are allowed to grow quickly. The Nigerians then plant corn, and the pests feed on the beans. We can use this cheap, environment-friendly technique in Georgia and the Carolinas.

MICROENTERPRISE DEVELOPMENT

Credit and loans are now within reach of the poor.

A commercial bank in La Paz, Bolivia now gives loans solely to low-income people. The average loan is about $400. This bank makes more loans than the entire banking sector in Bolivia combined.

In the United States, there are 200 microenterprise programs just getting started—and here's a technique that can help.

The underlying solution we see from these examples is cooperation. Development comes from communities and individuals working together. It is a natural outcome of empowerment.

The community activists in this room know all too well that the problems on the table are severe and require considerable personal responsibility. But they also know that they are made worse by hopelessness.

The mother who doesn't get prenatal care, who doesn't know about nutrition or when to have her children immunized—her situation is made worse by a feeling of powerlessness.

The young man who wants honest work but lacks the means to start a business—his situation is made worse by a reasonable lack of hope.

We can't "develop" people, or make them assume responsibility for their own lives if

they don't want to. This is as true here as it is overseas.

But we also know that we can use cooperative approaches to give people a sense of control over their futures—that they matter as positive contributors to society—not just as victims.

The federal government has a role to play and that's the basis of our community empowerment program. But the government can't do everything.

This is why I'm especially eager to see programs of microenterprise and community banking flourish in our poor neighborhoods. In developing countries, these programs have given tens of thousands of poor people the means to begin small, informal businesses that give them the strength to live lives of purpose and hope.

In neighborhoods where no one is literate—in homes where most infants are expected to die—in nations torn by violence and hunger and despair. Yet even in such environments, they have learned how to bring hope.

Now they're bringing those lessons home.

As the programs of Accion International and FINCA have demonstrated in Latin America, the real strength of microenterprise and neighborhood banking is empowerment at the grassroots level. It helps people take control of their own lives. It creates bonds among strangers. It helps to make a neighborhood from a bunch of buildings.

USAID, along with other development agencies and private voluntary organizations have learned how to achieve things in environments that have few resources, if any,

It reminds me of an old story about the business man who went to the oracle and said his abacus counters couldn't keep up with the workload—but couldn't afford to hire any new workers. What should he do?

"Each abacus counter must grow another finger on each hand," said the oracle.

"That's very wise," said the businessman. "But how do I get them to do that?"

"Ah," said the oracle. "I only make policy. Implementing it is your job."

We must remember that when it comes to implementing—we all have a role to play whether in the public or private sector, or through volunteer groups.

Eric Sevareid once told President Kennedy that:

"It doesn't make much sense when two people are sitting in a boat for one of them to point a finger accusingly at the other and say 'your end of the boat is sinking.'"

We know that we are all in the boat together. Only together can we formulate solutions which will put an end to poverty and ensure economic and social freedom for all—both overseas, and in our neighborhoods.

The time and opportunity are upon us. It's always been easy for Americans to lend a helping hand, but far more difficult to accept one.

On this day when we remember how Americans lent a helping had to Europe, let's dedicate ourselves to a continuing effort abroad, but also renewing our commitment within our own borders.

Yet here we are—truly helping ourselves—bringing the lessons we've paid for to our own doorstep. It is a hard path, but a necessary one. can traverse it best by traveling it together.

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[From the Washington Post, June 11, 1994]

FOREIGN AID COMES HOME

The "Lessons Without Borders" program launched by Vice President Gore in Baltimore this week is supposed to be a winning proposition for all. The idea, generated by the U.S. Agency for International Development, is to bring to America's poor communities some of the lessons AID has learned while operating programs in the developing world. Baltimore Mayor Kurt Schmoke volunteered his city to be AID's opening act. His reasons for doing so were candid and telling about America today.

"It is an unfortunate fact of life," said Mayor Schmoke, "that we have in certain parts of our city health problems, housing problems, that resemble those in Third World countries." Those words, could have been spoken by any big-city major in America.

The similarities of conditions in the developing world and American inner cities and rural communities are mortifying. There are poor neighborhoods around the country with infant mortality rates that rank right up there with countries where Peace Corps volunteers and American aid workers are being dispatched to work. We think of children who die from diarrhea as being only found in countries like Bangladesh or Burkina Faso. In America's inner cities and in rural communities, however, hundreds of our own children are dying or being hospitalized each year from disease.

Vice President Gore noted that only 39 percent of inner city children were immunized against measles in 1990. Stack that up against poverty-ridden Egypt, where AID reports a 90 percent immunization rate, or India's 80 percent or the 88 percent immunization rate achieved in the Philippines. The sad fact is the some of what ails the most devastated countries on earth also afflicts communities within our own borders: illiteracy, poor nutrition, little or no prenatal care, disease, joblessness and, ultimately, hopelessness.

The Agency for International Development can't be expected to solve problems on American soil; the law prevents AID from doing that. But perhaps the agency—take a page from the developing world—can lend a helping hand by advising hard-pressed U.S. communities how they can use techniques from the Third World to address their own problems. After decades of work abroad, AID has learned many lessons. This experiment can usefully teach Americans another lesson: Images of Third World deprivation are universal; they can be even found on U.S. soil.

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[From the Baltimore Sun]

LESSONS FROM THE THIRD WORLD

For more than three decades, the United States has been sending small armies of people to poor countries to aid economic development efforts. Now, when Americans have plenty of reason to be concerned about their own economic well-being, many voters are beginning to look askance at the money spent on foreign aid. The partnership inaugurated this past week between Baltimore and the U.S. Agency for International Development is aimed at finding ways to apply the lessons learned in development efforts overseas to some of America's urban ills.

The lessons abound: Haiti may be poor, miserable and desperate. But in many areas it does better in immunizing its children against common childhood diseases than some parts of Baltimore. Could we learn something from their approach?

Bangladesh also has enormous misery and deprivation. But through its innovative Grameen Bank it has found a way to provide capital to millions of poor people, particularly women. In this country, poor people are caught in a credit bind, vastly limiting their ability to capitalize on their own initiative. Without money or other assets, it is hard to qualify for a loan.

The Grameen Bank has found that loans of even $10 and $20 enable women to invest in spinning wheels or other equipment necessary to begin very small businesses, or "micro enterprises." By helping these people tap into their own energy and initiative, the bank enables them to magnify their household income and improve their family's standard of living. Programs modeled on the Grameen Bank have given similar chances to poor people here; how can we expand these efforts?

Anyone familiar with the lives of very poor people, whether in inner cities or rural areas, knows their problems transcend national borders. Their problems reach far beyond the daily challenge to maintain adequate food and shelter. From unanticipated pregnancies, infant mortality and unhealthy children to lack of jobs or no access to credit, the problems of poor people in Maryland look a lot like those faced by the poor elsewhere in the world.

It is refreshing to see that a federal agency charged with funding development programs in other countries can also recognize the importance of finding ways to share what it learns with people in this country. That not only enriches efforts to help poor Americans; it also helps to inform taxpayers about the vital role foreign aid can play in a dangerously unstable world.

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[From the Baltimore Sun, June 6, 1994]

BALTIMORE TO TRY THIRD WORLD REMEDIES

(By Scott Shane)

For decades, the U.S. Agency for International Development has sent Americans into the Third World to attack the problems of developing countries: infant mortality and childhood illness, unplanned birth and sexually transmitted diseases, poverty and chronic unemployment.

Now AID wants to teach at home what it has learned abroad. In Baltimore and elsewhere, the agency wants to share remedies for the ills of urban America—infant mortality and childhood illness, unplanned births and sexually transmitted diseases, poverty and chronic unemployment.

Because Mayor Kurt L. Schmoke put aside boasterism and responded to AID's offer with a candid acknowledgment that the city needs help. Baltimore is the first U.S. city to be targeted by AID's "Lessons Without Borders" program.

It is an unfortunate fact of life that we have in certain parts of our city health problems, housing problems, that resemble those in Third World countries." Mr. Schmoke says. "And, if there are some techniques that AID has used overseas that can be used here. I'd like to apply those problem-solving techniques."

"Lessons Without Borders" will debut today with a conference at Morgan State University that will bring together Baltimore officials and staff members from AID, the major distributor of foreign aid. Vice President Al Gore will be the keynote speaker.

By law, AID is not permitted to fund programs in the United States. But, by offering advice and cheerleading, the agency is seeking to be midwife at the birth of a new generation of U.S. social programs.

AID officials acknowledge that they hope "Lessons Without Borders" will help them sell skeptical American taxpayers on the value of foreign aid. But, budgetary motives aside. American specialists in Third World

development say the initiative is a long-overdue recognition that creative programs being used to attack stubborn social problems in Africa, Asia and Latin America could be useful on U.S. soil.

Whether it is immunizations in Haiti—where in some desperately poor neighborhoods the rate of childhood inoculation is far higher than in Baltimore—condom distribution in Central Africa or small enterprise development in Bangladesh. Third World social programs have much to teach U.S. policy makers, say Americans who have worked abroad.

"A lot of us who've worked overseas have been waiting a long time for this to happen," says Julie Convisser, who runs an AIDS preservation project in Portland, OR, based on a similar effort in Zaire. "As Americans we sometimes believe no other country has anything to teach us. We're wrong."

Portland's Project Action, the first U.S. effort of Population Services International, which operates in 24 other countries, is among a handful of successful transfers of Third World programs to this country. In Zaire, the battle against AIDS incorporated television soap operas promoting safe sex and condoms on sale for 2 cents apiece in every roadside bar or shop. In Portland, Project Action has produced MTV style television shows for adolescents and placed 185 vending dispensing condoms at 25 cents each, Ms. Convisser says.

"Lessons Without Borders" was born of a conversation late last year between AID Administrator J. Brian Atwood, 51, who was a few months into his job, and Marian Wright Edelman, the longtime head of the Children's Defense Fund.

As Mr. Atwood described AID's work abroad and Ms. Edelman recounted disheartening statistics on child health and poverty in the United States, they saw an opportunity, Mr. Atwood said last week by telephone from Geneva. He was returning from a tour of African famine areas undertaken at the request of President Clinton.

In a November appearance on C-Span, Mr. Atwood said, he "blurted out" the idea that AID hoped to consult with U.S. cities. Among the viewers was Schmoke aide Lee Tawney. He passed the word on to the mayor, who decided Baltimore should be part of the collaboration.

Mr. Atwood said AID has not previously sought to apply its expertise in the United States partly because the agency long felt beleaguered, a pawn in superpower politics that came under fire for dubious spending.

"During the Cold War, we did waste a lot of money to buy influence overseas," Mr. Atwood said.

The agency's budget peaked in the early 1980s at about $12 billion, much of it directed to fighting communism in Central America and elsewhere. Today, the budget may be less vulnerable to political pressure to steer the aid to allies, but it is down to $7 billion. "Lessons Without Borders" could protect that spending by providing visible evidence to Americans of the effectiveness of programs developed by AID.

Other developments make AID's initiative timely, public health experts say.

The debate over health care reform has given new urgency to cutting medical spending and one way to do it is to get away from the high-cost approach traditional in this country.

"We Americans like the idea of being rushed to a high-tech hospital," says Dr. William B. Greenough III, professor of medicine and international health at Johns Hopkins. "A great many things can be done at lower cost and with equal efficacy in the community and not in the hospital. In countries with very limited resources, you have to save the patient and save money at the same time."

A striking example is treatment for dehydration caused by diarrhea, says Dr. Greenough, who worked for eight years in Bangladesh before returning to the United States in 1985.

For many years, doctors in Third World countries have treated the condition with "oral rehydration therapy" a packet of a few cents worth of salts and sugars that can be mixed with water and drunk by the patient. If such a packet is not available, chicken and rich soup is a fine substitute, as Hopkins physicians have long pointed out

Yet the United States severely dehydrated patients generally are hospitalized and hooked up to an intravenous drip at a cost hundreds of times greater than the low-tech alternative. Indeed, because diarrhea is dismissed as a triviality, Dr. Greenough says, it often goes untreated, leading to many unnecessary deaths, particularly among nursing home patients.

Remedies that can be administered at home "lack TV appeal" and are not considered real medicine by Americans, who have an almost superstitious belief in costly machinery. "Basically, our witch doctor's mask is a lot more expensive," says Dr. Greenough, who welcomes AID's push to bring in low-tech methods.

Elizabeth Holt, an assistant professor of international health at Hopkins, is another public health professional who has worked on both sides of the great divide between domestic and international programs: in a poor urban community outside Port au Prince, Haiti, and in Baltimore and elsewhere in Maryland.

In the Haitian community, Dr. Holt says, the rate of complete immunizations by 1 year of age reached 85 percent in the late 1980's. In Baltimore, while nearly every child is immunized by school age, the rate at 2 years of age is only 55 percent, says Dr. Peter Beilenson, Baltimore's health commissioner.

The problem, Dr. Beilenson says, is not a shortage of facilities for immunization and other preventive care. It's the failure of people to take advantage of what's available. That's why Baltimore's Healthy Start program, which seeks to reduce infant mortality and the incidence of low birth-weight babies, hires community residents to do outreach work, identifying pregnant women and bringing them in for early prenatal care.

Healthy Start may have something to teach AID, says Margaret Neuse, deputy director of the agency's office of population. "Lessons Without Borders" should be a two-way street, she says.

In Latin America, Africa and Asia. Ms. Neuse says, she has faced difficulty in getting people to use health services. "I just came back from a place in Ethiopia with a population of 30,000, where a program serves just 10 clients a day. We had a case in Nepal where you couldn't pay women enough to get them to go to a clinic."

Joe Bock, a former Missouri legislator who has worked for two years for Catholic Relief Services, says he sees great potential for transfer of programs outside the area of health care to U.S. soil.

Many programs in the U.S. war on poverty have "failed miserably." says Dr. Bock, who will soon take over Catholic Relief's operations in Pakistan. "We're looking around for new ideas."

One such idea, he says, is what development professionals call microenterprise: tiny, family-based businesses started with minimal capital. The Grameen Bank ("rural bank") of Bangladesh, which has served more than 1 million poor women, has inspired a number of fledgling U.S. programs.

As the United States grapples with welfare reform, microenterprise offers an alternative approach to fighting poverty, one based on poor people becoming small-time entrepreneurs rather than cashing monthly checks.

"Unfortunately, we've had the idea of the U.S. riding in as a knight in shining armor to teach these countries." Dr. Bock says. "In fact, we can learn a lot from what they're doing."

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[From the Baltimore Sun, June 7, 1994]

GORE LAUNCHES U.S. AID'S HELP FOR CITY

(By Richard O'Mara)

Vice President Al Gore launched a partnership yesterday between Baltimore and the U.S. Agency for International Development designed to apply here the agency's expertise in helping people mired in poverty.

Speaking at a conference titled "Lessons Without Borders," at Morgan State University, the vice president referred to the efforts of the tens of thousands of health workers, literacy teachers and small business advisers sent abroad since 1961 to focus America's attention on the plight of the Third World.

"It is time to bring this knowledge back home," he said.

"The idea might sound strange but it's not," he added. "Whether developing a vaccination program in Malawi or Manhattan, some lessons are universal."

The partnership is the first of its kind, but other cities—Chicago, Atlanta, Boston—have expressed interest in drawing on AID know-how.

J. Brian Atwood, AID adminsitrator, said, "It is people like those in Baltimore who invested in the foreign aid programs. Why shouldn't they benefit from it?"

The suggestion by Mr. Atwood, made on C-Span television late last year, was seized upon by Mayor Kurt L. Schmoke.

The vice president spoke to about 250 health and socialworkers and community activists at the Morgan conference, plus as many guests.

After that he visited the Family Place on Ashland Avenue—which provides services to needy families, such as literacy training, prenatal care, nutritional information and vaccinations—and was shown around an immunization bus that roams Baltimore's neighborhoods inoculating children.

At Morgan State, Mr. Gore pointed out that in 1990, only 39 percent of American children were immunized against measles. (In Baltimore, fewer than half the city's two-year-olds are up to date with their immunizations, said Charlotte Crenson, a city health program adminsitrator, who was on hand for the vice presidential visit to East Baltimore.)

Because of AID's skills abroad at propagating the importance of inoculations, a lot of developing countries are doing much better in immunization, he said.

AID marketing techniques also are effective at spreading the word in foreign countries about the protection against infant illness that breast feeding provides.

The agency encourages and underwrites banks in Third World countries to lend small amounts of money to poor people who have no collateral, but do have an idea for a business, or "microenterprise," Mr. Gore said.

AID also trains and deploys local community volunteers to assist professional health workers and community activists abroad.

The vice president called the use of volunteers "an excellent example of community empowerment, a technique we can use here. Something developed to help nations elsewhere can help here."

And the reverse can be true. Baltimore can teach AID a thing or two, agency officials said. For example, workers at Healthy Start, a prenatal care program, have devised strategies for dealing with substance abuse among the people it helps.

Healthy Start was founded in 1990 to help lower infant mortality rates in certain Baltimore neighborhoods that had reached Third World levels—19 deaths per 1,000 live births in Harlem Park and the area around Johns Hopkins Hospital, according to Daisy Morris, who runs Healthy Start.

"When we began we found that substance abuse was a tremendous problem, between 30 and 35 percent of [expectant] moms" had it, Ms. Morris said. The experience in dealing with this, Ms. Morris believes, is "what gave us the edge on a lot of cities, because we understood our moms."

Margaret Neuse, deputy director of AID's Office of Population, who has visited Healthy Start, said, "We have a lot to exchange with Baltimore. We have met different problems."

Everyone who addressed the Morgan State conference stressed that the partnership would be more than a rhetorical one, a friendly gesture from a Democratic president to a political ally in a nearby city. They insisted this was the case even though AID is prohibited by law to operate within the United States.

Other speakers included Mr. Atwood; U.S. Sen. Paul Sarbanes, a Maryland Democrat; and U.S. Rep. Kweisi Mfume, D-7th District.

Mr. Atwood announced that a working group would be set up with representatives from AID and the city to decide on reasonable expectations for the partnership.

Mr. Slater listed several likely AID initiatives. It would send field directors just returned from abroad to Baltimore to lecture and hold seminars; provide access to AID's enormous library to Baltimore health and nutrition workers; create internships for social workers from the city; and send people in the local helping professions to visit foreign development programs. Later in the day, Mr. Gore went to the Social Security Administration headquarters in Woodlawn and continued a theme that he raised at Morgan State: the benign intervention of government.

"Twenty-five or 30 years ago, more than 70 percent of the American people felt that government would do the right thing in solving national problems. Now only 20 percent believe that," he said.

"We have to put the customers (citizens) first," he emphasized.

## CYPRUS: 20 YEARS ON JULY 27, 1994

Mr. BIDEN. Madam President, last week marked the 20th anniversary of a tragic event: The invasion of Cyprus by Turkish forces.

In that fateful month of July 1974, a coup by radical Greek Cypriots, instigated by the rightist Junta in Athens, threatened the Turkish minority in Cyprus. The plotters sought to unite Cyprus with Greece. Turkey, a guarantor of the treaty establishing Cypriot independence, sent forces, with two salutary results: The coup on Cyprus failed, and the dictatorship in Athens collapsed. Had Turkey withdrawn at that point, the world could hardly have complained. A few weeks later, however, in the midst of peace talks in Geneva, Turkey launched a second invasion, 40,000 troops proceeded to carve the nation in two.

The invasion was as vicious as it was rapid. Hundreds were killed. Nearly 200,000 Greek Cypriots—30 percent of the population—fled their homes in northern Cyprus and resettled in the South. To this day, over 1,500 people—including 5 Americans—remain unaccounted for.

Alert U.S. diplomacy might have averted tragedy. In the 1960's, warnings by President Johnson on two occasions had helped prevent Turkish intervention. But a Nixon White House distracted by Watergate ignored predictions of the coup on Cyprus, and stood by while Turkey launched its invasions.

Turkey's illegal actions were only briefly punished. The United Nations demanded Turkey's immediate withdrawal but enforced no sanctions. A partial U.S. arms embargo imposed by Congress lasted just 4 years.

Meanwhile, the occupation of northern Cyprus was buttressed by the immigration of mainland Turks who were encouraged to settle in Cyprus by Ankara. In 1983, Turkish Cypriots declared secession by establishing the "Turkish Republic of Northern Cyprus"—recognized only by Turkey. The U.N. Security Council again spoke forcefully, declaring the act legally invalid but it failed to act further.

For the past two decades, the illegal division of Cyprus has continued—a stark reminder of the failure of the international community to enforce its will. U.N. peacekeepers monitor a Cypriot dividing line. Beyond it, Turkey occupies nearly 40 percent of Cyprus in defiance of the United Nations charter and the Helsinki final act.

Numerous efforts have been made by U.S. and U.N. diplomats to resolve the crisis. Unfortunately, little tangible progress has resulted. To be sure, neither community on Cyprus is blameless. There have been moments over the past two decades where the Greek Cypriots have not been forthcoming in negotiations. But it cannot be disputed that most of the blame for the failure to resolve the Cyprus question lies with the Turkish Cypriots, and their patron in Ankara, the Government of Turkey.

Over the course of the last year, for example, the U.N. Secretary-General attempted to construct a series of confidence-building measures—modest but important steps designed to pave the way for comprehensive negotiations. After months of painstaking negotiations, the effort collapsed in May. The Secretary-General of the United Nations, Boutros Boutros Ghali, stated clearly that the Turkish Cypriots had caused the breakdown in the talks. With unequivocal language rarely employed by U.N. Diplomats, the Secretary-General reported that "at present, the Security Council finds itself faced with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side." The Secretary General continued:

> While it can be understood that the Turkish Cypriot community has sometimes felt that its unhappy experience in the years before 1974 justified its unforthcoming approach on key aspects of the proposed * * * federation, I find it difficult to understand why similar reluctance should have affected the Turkish Cypriot leadership's approach to a set of eminently reasonable and fair proposals that would bring substantial and tangible benefits to its community without in any way compromising its security or its basic political positions.

The continued stalemate of the Cyprus question cannot be attributed only to Turkish Cypriot obstinance. The continued occupation of the island, and the economic support provided by Turkey, sustains the illegal regime in northern Cyprus, and thus is critical to the continuation of the status quo. Turkish forces, numbering approximately 30,000–35,000, occupy the island, despite United Nations Security Council and General Assembly resolutions demanding their withdrawal. Moreover, Ankara provides economic assistance that props up the Turkish Cypriot community. The Central Intelligence Agency reports in its "World Factbook" for 1993 that "Turkey normally underwrites a substantial portion of the Turkish Cypriot Economy." In late 1992, for example, Turkey provided a $100 million loan for economic development projects in the Turkish Cypriot area.

Given these facts, it should be obvious that United States diplomatic pressure should be focused on Ankara, the recipient of significant American economic and military assistance. Unfortunately, every administrator, Democratic and Republican, has resisted such an approach against Turkey, a member of the NATO Alliance which sits at a geostrategic corner of Europe critical to American interests.

To be sure, Turkey has played an important role in recent military operations in the region. During the Gulf War, critical air strikes were conducted from Turkish bases. Similarly, Operation Provide Comfort—the effort to protect the Kurdish population in northern Iraq from Saddam's legions—depends on the continued support of Turkey.

But Turkey's support of these operations does not absolve Ankara of responsibility to uphold the rule of law on Cyprus.

This week, the Clinton administration achieved a historic breakthrough in facilitating an end to the state of war between Israel and Jordan. The administration has also played a critical role in the accords between Israel and the Palestine Liberation Organization. A key element in the Middle East peace process has been high-level American diplomacy, including personal intervention by the President and the Secretary of State. Justice demands that the administration also turn to the Cyprus issue with equal vigor by pressing forcefully for Turkish withdrawal from Cyprus.

In the coming days, the United Nations Security Council is expected to call on the parties in Cyprus to undertake a new effort to accept confidence building measures, and press forward with negotiations on an overall resolution of the conflict. This presents an opportunity for the Clinton administration to accelerate its own efforts on Cyprus. United States policy should include the following elements:

First and foremost Turkey must understand that its occupation of Cyprus cannot continue. The United States and the other permanent members of the Security Council should make this clear in the strongest terms possible. Turkey must also use its influence with the Turkish Cypriot leader, Mr. Denktash, to come to terms.

Second, the President should appoint a special envoy on Cyprus, similar to the high-level Ambassador we now have on Haiti. Although for many years the United States has had a special Cyprus coordinator, in practice the incumbent has been a career foreign service officer, lacking the prestige and profile of an appointee with direct access to the President and the Secretary of State.

Third, to minimize Turkish Cypriot fears about a Turkish troop withdrawal, the United Nations should be prepared to expand its peacekeeping force on the island in the event of a settlement. Consideration should also be given to using forces from the permanent members of the U.N. Security Council.

Fourth and finally, the two Cypriot communities must understand that their interests will be served by a settlement. Toward that end, the United States and the European Union should pledge that a reunited Cyprus will be afforded full integration in Western economic and security institutions.

Madam President, for 20 long years the people of Cyprus have suffered the unnatural and illegal division of their beautiful island. The status quo cannot continue. I call on the administration, the United Nations, and my colleagues to work together to bring about a just resolution of the Cyprus conflict.

## REV. THEODORE J. KOZLOWSKI

Mr. LEVIN. Madam President, I rise today to pay tribute to the Rev. Theodore J. Kozlowski of the Roman Catholic Diocese of Grand Rapids. In so doing, I join with the members of his church and community who are honoring Father Ted on August 7, 1994 for nearly four decades of selfless work for social justice.

Father Ted has served as director for the Hispanic Apostolate for the Diocese of Grand Rapids as an advocate, counselor, pastor, and friend. He has been a consistent and loving voice for a people who are too often overlooked and underserved. He knows that American culture is enriched by the diverse gifts that Hispanic-Americans bring to our shores, and he has steadfastly worked to eliminate racial barriers and erect bridges of understanding.

As a founding member of the Catholic Human Development agency and the former director of the Secretariat of Social Concerns, Father Ted raised the consciousness of social service staffs enabling them to meet the basic needs of individuals in the areas of health, housing, and emergency food distribution. He has also been a longtime advocate for gainful employment and justice in the workplace.

Long before health care was a popular topic, Father Ted was creating links with existing providers to address the needs of underepresented groups in accessing and receiving quality care from the health care system.

In the field of education, Father Ted has been active in both the private and public educational systems developing leadership opportunities for both parents and children. He ensures that the community learns to equate education with opportunity.

As cochair of the multicultural task force, Father Ted has been a leader in the crusade to obtain civil rights for all. He views racism as one of society's greatest evils and has never failed to denounce it as dehumanizing to both the bigot and the victim. He fights ignorance with education and answers hatred with love.

Because of his outstanding service, in 1993 the Diocese of Grand Rapids presented him with the Bishop Haas Award for Social Justice, its highest honor, named after the legendary Roman Catholic prelate and labor movement hero.

As a person who lives out his faith and embodies the highest ideals of his country, Father Ted Kozlowski is a shining example of service to others. Although his vocation is sectarian, his mission is ecumenical, always addressing the needs of the oppressed and underepresented.

Father Ted Kozlowski is a visionary, a steadfast worker, and an outstanding citizen. His legacy of service is something all of us should strive to emulate.

## WELCOME NEWS FROM MOSCOW ON TROOP WITHDRAWAL FROM ESTONIA

Mr. PELL. Madam President, yesterday Russian President Yeltsin and Estonia President Lennart Meri reached an agreement on Russian troop withdrawal that effectively brings an end to an era of foreign encroachment on Baltic sovereignty. I welcome the announcement that the remaining 2,300 Russian troops will indeed be withdrawn from Estonia by the August 31 deadline to which the Russian Government had previously committed. As of that date, troops of the former Soviet Union, which occupied half of Europe for half a century, will no longer be stationed on European soil.

I think we all recognize the great difficulties that the vestiges of Soviet occupation of Estonia, Latvia, and Lithuania have caused for Russia and the three Baltic countries. Undoing the Soviet legacy cannot take place overnight, although among the people who were victims of the occupation, there is an understandably strong desire for instant change. In this context, the leaders of all four countries deserve credit for achieving agreement on the withdrawal of Russian troops less than 3 years after the Soviet Union's dissolution.

While we recognized the difficulties involved in securing a pull out, earlier this month, many of us were very concerned by statements by President Yeltsin as well as by Russian parliamentarians suggesting that the August deadline would not be met. Accordingly, yesterday's announcement is especially good news.

I would note that the Clinton administration deserves a great deal of credit for its quiet, yet effective diplomatic role in facilitating the Russian-Estonia agreement. Most people do not realize the amount of energy President Clinton has personally expended on this issue. Earlier this month, for example, the President made troop withdrawal a top priority issue on his very busy European agenda.

The Senate, too, has taken a strong position on troop withdrawal. A couple of weeks ago, we adopted an amendment to the Foreign Operations appropriations bill that would have cut off assistance to Russia if the August 31 deadline was not met. With the signing of yesterday's agreement, it appears that any aid cut-off will be averted, which is certainly good news for the Russian reformers, who after all, are key to making the troop withdrawals possible.

## THE TREATMENT OF THE BAHA'I COMMUNITY OF IRAN

Mr. DODD. Madam President, I rise to inform my colleagues of a letter that was recently sent to President Clinton by myself and several of my

colleagues regarding the treatment of the Baha'i community of Iran.

Madam President, ever since the Islamic regime took power in 1979, more than 200 members of the Baha'i faith—Iran's largest religious minority—have been executed and thousands have been imprisoned, solely on account of their religious beliefs. Although the repression appears to have been somewhat less violent in recent years, the Iranian Government continues to vigorously pursue a policy of religious repression of the Baha'is—a policy which was made explicit in an official government document revealed last year.

Iran's policy of pervasive religious discrimination threatens the very existence of the Baha'i community through severe economic and social repression. This has included the denial of education and job opportunities for Baha'is, confiscation of personal and community properties, and the denial of the right of the Baha'i community to meet and elect its leaders.

Last year, 52 Members of this body joined in cosponsoring Senate Concurrent Resolution 31, calling on Iran to end its religious persecution of the Baha'i community. This legislation was adopted by unanimous consent in the Senate on November 17, 1993. This year, the House of Representatives adopted an identical resolution by a recorded vote of 414–0. This represented the sixth time in the past dozen years that the U.S. Congress has adopted legislation expressing concern for the Iranian Government's persecution of the Baha'is.

Madam President, several Members of this body who took the lead in the adoption of Senate Concurrent Resolution 31 recently joined me in writing to President Clinton to urge the administration to continue its leadership and diplomatic efforts in support of the religious rights of the Baha'is. In the letter we urged the administration to continue to speak out in support of the cause of religious tolerance and freedom in Iran through the Voice of America and other appropriate public channels.

I ask unanimous consent that the full text of the letter appear in the RECORD at this point.

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

U.S. SENATE,
*Washington, DC, July 21, 1994.*

The President,
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: The purpose of this letter is to commend to your attention recent legislative action on Senate Concurrent Resolution 31, a measure we introduced last year that calls on Iran to end its persecution of the Baha'i community. This legislation, which gained 52 Senate cosponsors and passed the Senate by a unanimous vote in November, was adopted by the House of Representatives by a 414-0 vote on April 19th.

We are pleased that the Congress has chosen, for the sixth time since 1982, to convey its deep sense of concern over the officially-sponsored repression that has been directed against Bahai's since the Iranian Revolution. While this repression has been less violent in recent years, we remain concerned that the Bahai's—Iran's largest religious minority—continue to be singled out for persecution based on their religious beliefs. Indeed, this policy was made explicit in an official Iranian Government document that was revealed last year.

We know that you are committed to the cause of human freedom and civil liberties in Iran and that you are determined to take actions which serve to promote these important goals. To this end we urge the administration to continue its leadership and diplomatic efforts on the issue of the Baha'is and to continue to speak out in support of the cause of tolerance and freedom in Iran through the Voice of America and other appropriate public channels.

We welcome all you have done on behalf of the Baha'i community of Iran and we look forward to continuing to work with you in the future on this very important issue.

SINCERELY,
JOSEPH I. LIEBERMAN,
*U.S. Senator,*
CHRISTOPHER J. DODD,
*U.S. Senator,*
NANCY LANDON KASSEBAUM,
*U.S. Senator,*
JOHN MCCAIN,
*U.S. Senator,*
CLAIBORNE PELL,
*U.S. Senator.*

## IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Madam President, before we ponder today's bad news about the Federal debt, how about a little pop quiz: How many million would you say are in a trillion? When you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Tuesday, July 26, the Federal debt stood—down to the penny—at $4,632,296,732,963.69. This means that every man, woman, and child in America owes $17,767.69, computed on a per capita basis.

Madam President, to answer the question (how many million in a trillion?) there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

## THE CRISIS IN RWANDA

Mr. MOYNIHAN. Madam President, the crisis in Rwanda is one of staggering proportions. Millions of lives hang in the balance as a result of this overwhelming humanitarian tragedy. Our ability to quickly implement a coordinated relief effort to those displaced is crucial. However, the key to success lies not only in providing supplies. Conditions inside Rwanda must be quickly stabilized so that refugees can soon return to Rwanda without the fear of violence.

Last week, President Clinton responded to the mass exodus of refugees from Rwanda by ordering a round-the-clock airlift of food, water, and medicine to the border areas where American troops have been dispatched to distribute this aid. The United States has responded by contributing more than $250 million in aid to Rwanda since April. I commend the efforts of the relief workers who have bravely met the crisis, the scope of which has not been witnessed in recent memory.

The United States is the best equipped to deal effectively with a crisis of these proportions. Indeed, the effort which President Clinton initiated last week reminds me of a past mission which displayed the ingenuity and generosity of our Nation. I am speaking, of course, Mr. President, of the Berlin airlift. At that time the United States, despite extreme logistical difficulties, was able to supply war-torn Berlin with humanitarian assistance. No matter we had just fought a world war with the Nazis. The United States responded to the genuine needs of the citizens of Berlin. We are now faced with an even more desperate situation than was witnessed in Berlin, and once again the President has mobilized a massive relief effort.

We are moving in the right direction but there is much still to be done to save the nearly 4.5 million Rwandans—both in and outside the country—displaced by the conflict. In the words of Panos Moumtzies, spokesman for the U.N. High Commissioner for Refugees, Rwanda has become, "A nation without people." As we respond to the immediate needs of those displaced by the crisis, we must also begin working to bring about conditions in Rwanda that will restore the confidence of refugees and create the opportunity for them to safely and voluntarily return.

Yesterday, the Foreign Relations Committee received some encouraging news during a hearing on the crisis: Human rights monitors will be allowed to enter Rwanda, and United States troops will now establish an operation in the capital, Kigali, to distribute food to those in need inside the country. These are two important steps which will help bring stability to Rwanda. There is still more to be done.

A continued source of instability has been the radio propaganda broadcasts which throughout the crisis have encouraged genocidal violence. There are reports that a new station is broadcasting from Zaire, spreading rumors designed to frighten people from returning to Rwanda. These broadcasts are deadly. They must be stopped.

Finally, Madam President, now that the United States has mobilized for this humanitarian effort, I must remind my colleagues that the root of the current crisis is the genocidal slaughter that has swept Rwanda since early April. The United States has voluntarily accepted the obligation under article I of the U.N. Convention on the

Prevention and Punishment of the Crime of Genocide, to prevent and punish the crime of genocide. Without further delay, the U.N. peacekeeping force in Rwanda known as UNAMIR needs to become fully operational. That force is not yet in a position to adequately protect the Rwandan people from further genocide. In order to prevent further disaster, it is vital that this force be expanded and quickly deployed.

We must act with great vigor to combine the efforts of the United States, international aid organizations and the international community to bring assistance to the suffering people of Rwanda and prevent further slaughter. There can be no more delay.

## TRIBUTE TO STEVE SHERICK

Mr. BAUCUS. Madam President, all too often, Federal bureaucrats are depicted in a negative light. Today, however, I want to recognize the retirement of a man who personifies the best of public service, Steve Sherick. Steve worked for the U.S. Forest Service for almost 35 years. Throughout his career, he never forgot that he worked for the public, and the public never forget what a good friend they had in Steve Sherick.

Perhaps Steve's greatest asset is that he came from Butte. As most every Montanan knows, Butte natives are blessed with strong character, a good sense of humor, an abundance of charisma, and an unflagging loyalty to Montana. Steve has all the above and then some.

For the past 25 years, Steve worked as a public affairs officer at Region 1 Headquarters. During my tenure here in Washington, DC, Steve became a good friend and a strong ally in protecting the interests of Montanans on issues relating to Forest Service policy. For that I am truly thankful.

Steve, I am going to miss you, Montanans are going to regret seeing you go, and the Forest Service is going to have a tough time finding your equal. On this, the day of your retirement from government service, I want to recognize all you have done for Montana and the Nation.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 5:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that House insists on its amendment to the bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the entire Senate bill and the entire House amendment, and modifications committed to conference: Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Mr. HUTTO, Mr. SKELTON, Mr. MCCURDY, Mrs. LLOYD, Mr. SISISKY, Mr. SPRATT, Mr. MCCLOSKEY, Mr. ORTIZ, Mr. PICKETT, Mr. LANCASTER, Mr. EVANS, Mr. BILBRAY, Mr. TANNER, Mr. BROWDER, Mr. MEEHAN, Mr. SPENCE, Mr. STUMP, Mr. HUNTER, Mr. KASICH, Mr. BATEMAN, Mr. HANSEN, Mr. WELDON, Mr. KYL, Mr. DORNAN, Mr. HEFLEY, Mr. MACHTLEY, and Mr. SAXTON.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII: Mr. GLICKMAN, Mr. RICHARDSON, and Mr. COMBEST.

As additional conferees from the Committee on Education and Labor, for consideration of sections 337, 346–347, 643, 924, 1051, and 1082 of the Senate bill and sections 351–354, 1133, 1136, 1138, and 1151 of the House amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. CLAY, Mr. WILLIAMS, Mr. GOODLING, and Mr. GUNDERSON.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 142, 324, 708, 2821(e)(3), 2849, 3151, 3155, 3157–3158, 3160, and 3201 of the Senate bill and sections 1055, 3201, and 3502 of the House amendment, and modifications committed to conference: Mr. DINGELL, Mr. SHARP, Mr. SWIFT, Mr. MOORHEAD, and Mr. BILIRAKIS: *Provided*, That Mr. WAXMAN is appointed in lieu of Mr. SWIFT and Mr. BLILEY is appointed in lieu of Mr. BILIRAKIS solely for the consideration of section 708 of the Senate bill: *Provided further*, That Mr. OXLEY is appointed in lieu of Mr. BILIRAKIS solely for the consideration of sections 324, 2821(e)(3), 2849, and 3157 of the Senate bill and section 1055 of the House amendment.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 221–222, 225, 241, 251, 354, 823, 1012, 1013(b), 1014, 1015(a), 1016–1018, 1021(a), 1021(b), 1022–1023, 1024(c), 1031–1032, 1041, 1065, 1070, 1074, 1078–1079, 1088, 1092, and 1097 of the Senate bill and sections 1011(a), 1022–1025, 1038, 1041, 1043, 1046–1049, 1052, 1054, 1058–1060, 1201–1214, and 1401–1404 of the House amendment, and modifications committed to conference: Mr. HAMILTON, Mr. GEJDENSON, Mr. LANTOS, Mr. GILMAN, and Mr. GOODLING.

As additional conferees from the Committee on Government Operations, for consideration of sections 824, 2812(c), 2827, and 3161 of the Senate bill and modifications committed to conference: Mr. CONYERS, Mr. TOWNS, Mr. SYNAR, Mr. CLINGER, and Mr. MCCANDLESS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 1052–1053, 1089, and 3505 of the Senate bill and modifications committed to conference: Mr. BROOKS, Mr. HUGHES, Mr. MAZZOLI, Mr. SENSENBRENNER, and Mr. MCCOLLUM.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 357, 601, 654, 2206, 2825, 3134, and 3501–3505 of the Senate bill and sections 522–523, 527, 531, 601–602, 1137, and 3134 of the House amendment, and modifications committed to conference: Mr. STUDDS, Mr. HUGHES, Mr. TAUZIN, Mr. FIELDS of Texas, and Mr. COBLE.

As additional conferees from the Committee on Natural Resources, for consideration of section 2853 of the House amendment and modifications committed to conference: Mr. MILLER of California, Mr. VENTO, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, and Mr. DUNCAN.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 331–334, 346, 636, 901, 1080, 1087, 1090, and 3158 of the Senate bill and sections 165, 351, 375, 1031, and 2816 of the House amendment, and modifications committed to conference: Mr. CLAY, Mr. MCCLOSKEY, Ms. NORTON, Mr. MYERS of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 324, 1086, and 2827 of the Senate bill and section 3402 of the House amendment, and modifications committed to conference: Mr. MINETA, Mr. APPLEGATE, Mr. TRAFICANT, Mr. SHUSTER, and Mr. CLINGER: *Provided*, That Mr. DUNCAN is appointed in lieu of Mr. CLINGER solely for the consideration of section 2827 of the Senate bill.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 232–233, 243, 249, and 3141 of the Senate bill and sections 211(a), 211(b), 216(a), 216(b), 216(c), 216(e), 217–218, 223(a), 1112–1115, and 3141 of the House amendment, and modifications committed to conference: Mr. BROWN of

California, Mr. VALENTINE, Mr. SCOTT, Mr. WALKER, and Mr. ROHRABACHER.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 641 of the Senate bill and modifications committed to conference: Mr. MONTGOMERY, Mr. SLATTERY, Mr. APPLEGATE, Mr. STUMP, and Mr. BILIRAKIS.

The message also announced that House disagrees to the amendment of the Senate to the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, and agrees to a conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House.

From the Committee on Public Works and Transportation, for consideration of titles I and II of the House bill, and the Senate amendment (except sections 121, 206, 304, 415, and 418 and title VI), and modifications committed to conference: Mr. MINETA, Mr. RAHALL, Mr. OBERSTAR, Mr. BORSKI, Mr. CLEMENT, Mr. SHUSTER, Mr. CLINGER, and Mr. PETRI.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title VI of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. NEAL of North Carolina, and Mr. LEACH.

From the Committee on Education and Labor, for consideration of section 418 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. OWENS, and Mr. GOODLING.

From the Committee on Education and Labor, for consideration of section 208 of the House bill, and modifications committed to conference: Mr. FORD of Michigan, Mr. CLAY, Mr. WILLIAMS, Mr. GOODLING, and Mrs. ROUKEMA.

From the Committee on Foreign Affairs, for consideration of section 415 of the Senate amendment, and modifications committed to conference: Mr. HAMILTON, Mr. LANTOS, Mr. ACKERMAN, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. GILMAN, Mr. GOODLING, and Mr. LEACH.

From the Committee on Science, Space, and Technology, for consideration of title III of the House bill, and sections 206 and 304 of the Senate amendment, and modifications committed to conference: Mr. BROWN of California, Mr. VALENTINE, Mr. GLICKMAN, Mr. GEREN of Texas, Ms. HARMAN, Mr. WALKER, Mr. LEWIS of Florida, and Mrs. MORELLA.

From the Committee on Ways and Means, for consideration of title IV of the House bill, and sections 121 and 122 of the Senate amendment, and modifications committed to conference: Mr. GIBBONS, Mr. ROSTENKOWSKI, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. CRANE, and Mr. THOMAS of California.

The message further announced that the Speaker makes the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes: from the Committee on Education and Labor Mr. MCKEON is appointed in lieu of Mr. GOODLING for consideration of section 418 of the Senate amendment and modifications committed to conference.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3838. An Act to amend and extend certain laws relating to housing and community development, and for other purposes.

H.R. 3870 An Act to promote the research and development of environmental technologies.

## MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H.R. 3838. an act to amend and extend certain laws relating to housing and community development, and for other purposes.

H.R. 3870. An act to promote the research and development of environmental technologies.

## 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-3110. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the audit of the financial statements of the Resolution Trust Corporation for calendar years 1992 and 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-3111. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report with respect to a recent transaction involving U.S. exports to Russia; to the Committee on Banking, Housing and Urban Affairs.

EC-3112. A communication from the President of the United States, transmitting, pursuant to law, the report entitled "Republic of Palau: Economic Development Plan for fiscal years 1995-1999" and certain agreements; to the Committee on Energy and Natural Resources.

EC-3113. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report on the operation of the trade agreements program; to the Committee on Finance.

EC-3114. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential Determination relative to South Africa; to the Committee on Foreign Relations.

EC-3115. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on efforts by the United Nations and the Specialized Agencies to employ a fair share of Americans; to the Committee on Foreign Relations.

EC-3116. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference held on March 15, 1994; to the Committee on the Judiciary.

EC-3117. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Special Management Improvement Plan; to the Committee on Labor and Human Resources.

EC-3118. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the sixth special impoundment message for fiscal year 1994; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Agriculture, Nutrition and Forestry.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table, as indicated:

POM-605. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT RESOLUTION NO. 82

"Whereas, the Civilian Conservation Corps was one of the most successful programs ever run by the United States government; and

"Whereas, the Civilian Conservation Corps was responsible for undertaking and completing a multitude of worthwhile projects, many of which are still providing benefits for the citizens of the United States; and

"Whereas, the essential element of the Civilian Conservation Corps, which was the foundation upon which the success of this program was based, was the service which the members of the Civilian Conservation Corps rendered to the program and to the United States; and

"Whereas, the United States Congress should recognize this service by authorizing the use of the United States flag to drape the coffins of former members of this program: Therefore, be it

"*Resolved*, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to authorize the use of the United States flag to drape the coffins of the former members of the Civilian Conservation Corps; and be it further

"*Resolved*, That a copy of this Resolution shall be transmitted to the members and the presiding officers of each house of congress and to the Louisiana congressional delegation."

POM-606. A resolution adopted by the Commission of the City of Coral Gables, Florida relative to the Republic of China on Taiwan; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, with amendments:

S. 617. A bill to authorize research into the desalinization of water and water reuse and to authorize a program for States, cities, or any qualifying agency which desires to own and operate a desalinization or water reuse facility to develop such facilities (Rept. No. 103–320).

## 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 Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2326. A bill to require the Secretary of Agriculture to issue regulations concerning use of the term "fresh" in the labeling of poultry, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH:

S. 2327. A bill to amend the Civil Rights Act of 1964 to encourage mediation of charges filed under title VII of such Act and the Americans with Disabilities Act of 1990, to amend the Revised Statutes to encourage mediation of complaints filed under section 1977 of the Revised Statutes, and to decrease resort to the courts; to the Committee on Labor and Human Resources.

By Mr. SIMON (by request):

S. 2328. A bill to revise and simplify certain labor laws applicable to Federal contracts, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2329. A bill to settle certain Indian land claims within the State of Connecticut, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. MITCHELL, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, Mr. THURMOND, Mr. SIMPSON, Mr. SPECTER, and Mr. JEFFORDS):

S. 2330. A bill to amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Mr. BREAUX, Mrs. BOXER, Mr. PRYOR, Mr. BUMPERS, and Mr. JOHNSTON):

S. Con. Res. 73. A concurrent resolution expressing the sense of the Congress with respect to the announcement of the Japanese Food Agency that it does not intend to fulfill its commitment to purchase 75,000 metric tons of United States rice; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2326. A bill to require the Secretary of Agriculture to issue regulations concerning use of the term "fresh" in the labeling of poultry, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE TRUTH IN POULTRY LABELING ACT

• Mrs. BOXER. Mr. President, I am pleased to introduce today the Truth in Poultry Labeling Act of 1994. This legislation directs the Secretary of Agriculture to restrict the use of the term "fresh" to poultry that has never been kept frozen.

The bill would close a loophole in Federal law that allows frozen chickens and turkeys to be labeled and sold as fresh.

A few weeks ago fresh poultry producers held an event outside the Rayburn House Office Building featuring frozen chicken bowling. Members of the House actually bowled frozen chickens, clearly labeled as fresh. Even in the heat of a Washington summer the hard-as-rock chickens skated along the floor and knocked down pins as effectively as bowling balls.

Mr. President, this situation is not only absurd, it is grossly unfair to consumers and to the producers of genuinely fresh poultry. Consumers have no way of knowing whether the chickens and turkeys they buy for dinner are really fresh or whether they have been kept frozen for months and thawed out for sale.

And what's the difference? Consumers and some of our best chefs have testified that, in terms of taste and texture, fresh poultry is superior to poultry that has been kept frozen. Because of that, consumers are willing to pay a premium price for fresh poultry. Unfortunately, because of misleading labels, consumers are not always getting what they're paying for.

In addition, producers of genuinely fresh poultry in States like California are at a significant disadvantage as big out-of-State producers of frozen poultry benefit from lower feed costs, lower labor costs, and less stringent health, safety and environmental standards. This puts 25,000 jobs at risk in California alone.

We must put an end to the deception allowed by current law. Poultry that has been frozen and then thawed should be accurately labeled. This bill would in no way prohibit poultry producers from selling their frozen products in California or anywhere else. It would simply restrict their right to use the term "fresh" to products that are in fact fresh.

The Truth in Poultry Labeling Act of 1994 is supported by Consumers Union, the National Consumers League, Public Voice, the California Poultry Industry Federation, the Consumer Federation of America, and the United Food and Commercial Workers International Union.

I urge my colleagues to support this sensible legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2326

*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 "Truth in Poultry Labeling Act of 1994".

**SEC. 2. REGULATIONS ON LABELING OF POULTRY.**

Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall issue final regulations under the Poultry Product Inspection Act (21 U.S.C. 451 et seq.) that prohibit the use of the term "fresh" on labeling of any poultry or poultry part, or of any edible portion of the poultry or part, that has been frozen or previously frozen to below 26 degrees Fahrenheit.•

By Mr. DANFORTH:

S. 2327. A bill to amend the Civil Rights Act of 1964 to encourage mediation of charges filed under title VII of such act and the Americans with Disabilities Act of 1990, to amend the Revised Statutes to encourage mediation of complaints filed under section 1977 of the Revised Statutes, and to decrease resort to the courts; to the Committee on Labor and Human Resources.

EMPLOYMENT DISPUTE RESOLUTION ACT OF 1994

• Mr. DANFORTH. Mr. President, I introduce the Employment Dispute Resolution Act of 1994. A companion bill, H.R. 2016 has been introduced in the House by Representative STEVE GUNDERSON.

This legislation is designed to provide an alternative to litigating employment discrimination claims. When I first introduced this measure in 1992, it was needed to ease the burden on the already swamped and overloaded court system and EEOC. Since that time, the plight of the courts and the EEOC has become steadily worse, and the need for this measure has become even more desperate.

According to EEOC Chairman Tony Gallegos, the agency received almost 88,000 new charges of discrimination in the year ending September 30, 1993. This is almost 22 percent more than the previous year and 38 percent more than 1991. This dramatic increase is the anticipated result of the protections legislated by Congress in the Americans With Disabilities Act [ADA] and the Civil Rights Act of 1991 [CRA].

Of course the effects of this deluge of claims are felt throughout the system. In September 1992, then-Chairman Evan Kemp reported that "EEOC investigators are already stretched to the

limit. They will break under these conditions." Since then, matters have become even more drastic. The Americans With Disabilities Act and the Civil Rights Act of 1991 have both created protections which have generated significant numbers of claims. At the same time, claims of sexual harassment have doubled. As a result, the average time for processing a claim has more than doubled. And this hurts the claimants whose civil rights Congress wants to protect.

As Chairman Kemp said in 1992:

> Those who turn to the EEOC for relief will be forced to wait nearly three years before the agency can resolve their charges. A woman who files a charge of pregnancy discrimination, for example, will not see the case resolved until her child is in pre-school.
>
> The practical implications of such a delay are horrendous. They are horrendous not only for the charging party who feels his or her rights have been violated, but for the business charged with the alleged violation. An employer would be faced with the administrative nightmare of producing information to justify actions of three or four years earlier.

Chairman Kemp's analysis was corroborated by a recent GAO report which reviews the EEOC's methods for investigating and litigating discrimination charges. As reported by the GAO, by fiscal year 1996, the processing time for a discrimination claim could more than double. The GAO concluded that this delay can seriously injure complaining parties:

> The longer it takes to investigate a charge, the greater potential for difficulty in (1) locating witnesses, (2) obtaining from witnesses credible accounts of the actions alleged to be discriminatory, and (3) securing settlements—because the larger liability involved after a long time could make some employers less willing to settle. * * *
>
> The extensive processing times * * * that charging parties can expect to face in EEOC appear incompatible with the mission of the Commission "to ensure equality of opportunity by vigorously enforcing federal legislation prohibiting discrimination in employment * * *.

It is only getting worse. As of yesterday, July 26, the Americans with Disabilities Act has expanded to cover businesses with 15 or more employees; until now, it has only covered those with 25 or more. The EEOC simply cannot handle this explosion.

The situation in the courts is also disaster. The Civil Rights Act of 1991 added jury trials for compensatory and punitive damages to both title VII and the Americans with Disabilities Act. These valuable antidiscrimination measures are naturally strong incentives to litigate. Even before the enactment of these amendments, the number of private employment discrimination suits skyrocketed over 2,000 percent between 1970 and 1990.

Increasingly, therefore, the courts are not viable as a responsible enforcement mechanism. Finally, even if there were no problems of overcrowded court dockets and delays that are matters of years, the adversarial nature of a prolonged legal battle is so hostile, that it overcomes most prospects of resuming a productive work relationship after resolution of the charge.

There should be a better way and there is. It is called mediation. In the winter 1991-92 issue of The Journal of Intergroup Relations, a publication of the National Association of Human Rights Workers, there is an article called "Mediation of Civil Rights Complaints: Win/Win." The author, Clark Field, is a human relations specialist in Evansville, IN. He explains, simply, accurately and compellingly, why mediation is a superior method for resolving employment discrimination claims. I agree.

But I would like to share with my colleagues some of the arguments he makes in the article. Mr. Field's experience has led him to corroborate that which is intuitively true. That the adversarial process of litigation is itself destructive and a barrier to resuming a continuing employment relationship. That, even when a complainant wins the battle, he or she loses the war.

"Is there a better way?" asks the article. "A win/win method of dealing with discrimination charges, where the relationship of employer and employee may be maintained? Maybe so. With mediation, everyone wins."

The Employment Dispute Resolution Act is not just expedient, although it is that. It is not just speedier, although it is that. It is not just cost-effective, although it is that. This act is important because it is fair and good. It recognizes the plight of complainants who are intimidated by the prospect of hiring lawyers to embark on a prolonged, hostile and confusing battle that may take years to resolve. It provides neutrality and confidentiality to reassure employers that they should try to mend the situation rather than use their muscle to get their way in court.

In conversations my office has had with Mr. Field he has told us that he can mediate a case in 2 hours that normally would take 6 to 12 months or more to investigate. But, he says that "the most beautiful thing is to see people walk out smiling, shake hands and go away friends."

The concept of mediation as a win/win approach is being asserted by more and more experts in the field of employment disputes. In the June 1994 Labor Law Journal, an article entitled "Mediation of Employment Discrimination Claims: The Win/Win ADA Option" describes how well suited mediation is to resolving employment disputes. I recommend this article to my colleagues who are interested in doing something practical to help employees protect their rights in a timely and reasonable way. As that article concludes, mediation "is an especially appropriate vehicle for resolving employment discrimination claims, because mediation makes possible creative outcomes that serve the respective interests of the parties in ways that litigation or arbitration cannot."

And when these experts call mediation a win/win proposition, they are right on target. According to the GAO, "[m]ediation was the ADR approach discussed most often" in the interviews they conducted with EEOC commissioners, three former EEOC chairpersons, headquarters and field staff, Fair Employment Practice Agency staff, lawyers for charging parties and respondents and representatives of interest groups.

This has been my experience as well, when I have discussed my own mediation proposal. All sides recognize they have something to gain. Mr. Field reports that employers are sometimes reluctant to mediate out of fear that they may be surrendering some of their power. Increasingly, however, employers are recognizing that such fears are unfounded. That is the subject of a recently published monograph called "Alternative Dispute Resolution Techniques: Options and Guidelines To Meet Your Company's Needs." In that book, Douglas McDowell, the general counsel to the Equal Employment Advisory Council sets out the advantages which accrue to employers if they agree to mediate discrimination claims.

In April, Mr. McDowell testified before the Commission on the Future of Worker-Management Relations. The Commission, formed by Secretaries Reich and Brown, is headed by former Labor Secretary John Dunlop. Mr. McDowell recommended that the Commission closely examine the Employment Dispute Resolution Act and suggested that the approach taken by my bill could have a positive effect on resolving employment disputes before they reach the courts.

Mr. President, it is rare that labor and management find mutual advantage from the same reform. The Employment Dispute Resolution Act is one such rarity. I hold no illusions that mediation will be successful in every case. But under this act, there really is no downside. This legislation does not compel parties to mediate in all circumstances. However, where either of the parties feels that a settlement can be achieved in mediation, then the parties cannot proceed to litigate in the courts without first trying to work out their differences in mediation.

Let us act now to make available the civil rights protections we struggled so hard to win. Let us ease the massive burden of the EEOC and the courts. Let us establish procedures that are quicker, cheaper, and friendlier.

Mr. President, I ask unanimous consent that excerpts of Mr. Field's article be printed in the RECORD.

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

[From the Journal of Intergroup Relations, Winter 1991-92]

MEDIATION OF CIVIL RIGHTS COMPLAINTS: WIN/WIN

(By Clark G. Field)

INTRODUCTION

If you are not familiar with Mediation, let me first define it and describe it as a process. Mediation is the coming together of disputants with an unbiased facilitator ("third party neutral"), who will assist both parties—although there can be more than two disputants—in reaching an agreement. The mediator absolutely makes no decisions, but only facilitates consensus decision-making.

Mediation is not: compromise, negotiation arbitration, conciliation, nor striking a deal.

Mediation is: voluntary, immediate, future oriented, confidential, hard on facts but soft on persons; conducted by an unbiased, trained mediator; and respectful of disputants.

In a few months, I will have been writing "VS" on my letters, question-naires, fact-finding conference notes, and investigative summaries for eight years. I am a Human Relations Specialist/Investigator for the City of Evansville and Vanderburgh County, Indiana, and I have written that abbreviation "VS" thousands of times. Versus means "against"; it means "doing battle," "overcoming"—"VS" means "win/lose." Our society instinctively thinks of suing, forcing, litigating, winning when it comes to disputes.

When a person comes into our Human Relations office to file a discrimination charge (ninety-five times out of one-hundred, it will be in the area of employment), the common procedure is adversarial—only lately am I explaining the mediation option. If both parties should be amenable, we work out an informal resolution and, if the Complainant is found to have made a good case for him/herself (received a "Probable Cause" ruling), there is a time set (maybe twenty days) for reconciliation—these efforts I term "hit and miss" affairs.

There is an inherent flaw in our system, in our adversarial approach, and it is this. Typically, when the Complainant "wins" his/her case—proves discrimination because of race, sex, color, religion, national origin, age, or handicap—she/he will choose not to return to work for the same employer (Respondent). The feeling is that things will not be the same, that he/she will be picked on, or treated worse. Both Respondent and Complainant are reminded that retaliation is illegal, but Complainant still will be afraid to return to the old position. Therefore, we can say that Complainant "wins the battle, but loses the war."

It is my experience that more anger and ill will are generated by race discrimination charges than by any other kind. When the Respondent receives the official charge, e.g., "John Jones VS. John Doe Corp," a combination of feelings erupt in many employers, such as: anger, hostility, fear, hurt, bellicosity, indignation, frustration, embarrassment, defensiveness, vindictiveness, and maybe self-righteousness. More than anything else, whites do not like for blacks to point fingers at them and label them as discriminators and racists. Maybe, back in the recesses of our genetic history, guilt and fear linger as a remnant of slavery.

Is there a better way? Another route, other than "VS"? A win/win method of dealing with discrimination charges, where the relationship of employer and employee may be maintained? Maybe so. With Mediation, everyone wins.

PROBLEMATIC AREAS

*1. The Motivation to Mediate*

My experience has been that Complainant will usually consent to Mediation, while Respondent is much more hesitant. The reasons are pretty obvious, namely: Complainant has a lot to gain, such as an immediate resolution of the complaint and the repairing of the employer/employee relationship, while the Respondent must deal with a number of obstacles, including: fear of the unknown; fear of giving up power; fear of compromising their position; and the traditional dependence on legal counsel in such matters.

One of the challenges facing the mediator is that of balancing the power. In a Title VII (employment) charge, the power imbalance can be more pronounced than in any other setting—a large corporation facing an unemployed, and sometimes uneducated, ex-employee. But the more employers realize that not only valuable time, energy, and expense can be saved, but also valuable, trained employees can be "kept on board," the more they may choose the Mediation option.

In some Mediations, both parties, after they are familiar with the "Rules and Regulations of Mediation," are required to sign an agreement "to begin Mediation." This can be an important tool for successful Mediation.

*2. That Impartiality Be Ensured*

The most important attribute of any mediator is impartiality. If the investigator also serves as the mediator, there may be a conflict of interest should no agreement be mediated. For instance, if one of the participants proves to be very difficult, later this may bias the mediator/investigator.

In one of my mediations, I realized that Complainant, a white woman, was prejudiced against her black co-workers. She also appeared to have an emotional problem. As the Mediation progressed she backed off, and no agreement was reached. Because of this experience, I felt that she had no legitimate discrimination charge—she was claiming handicap discrimination. As it happened, we went to Mediation before she filed a discrimination charge. Had she later returned to file such a charge, I would have had to refer her to another investigator.

Generally, the mediator and the investigator should be different persons. In small offices, where there is only one investigator, something would have to be worked out. Where there is only an executive director and a secretary and where the Human Relations Commission does not have the force of law, as is the case in some rural Kentucky offices, Mediation could be extremely expedient, if properly promoted.

*3. Timeliness*

There is always a time limit, usually well defined, for filing discrimination charges. In Indiana, it is ninety days from the last date of harm for local and state commissions, and usually one hundred and eighty days for the Equal Employment Opportunity Commission (EEOC). Since Mediation is voluntary and unofficial, it is better for Complainant's charge to be filed initially, in order to preserve the timeliness. Then, when Mediation results in an agreement, Complainant can withdraw his/her charge. Otherwise, Complainant's timely filing could be compromised.

CONCLUSION

At a time in the United States when cities and states are experiencing a financial crunch and as we move into 1992, when the Americans with Disabilities Act (ADA) will "kick in" for handicapped persons—thus presenting enforcement agencies with perhaps 30 percent more complaints—Mediation can be a very "timely" process. With Mediation, the possibilities are almost limitless. It empowers both employer and employee to sit down together and solve their problems—this way, both win.

While we have been focusing on discrimination in employment in this paper. Mediation will serve a similar purpose in other discrimination charges—housing, education, finance, and public accommodations. In housing especially, Complainants need immediate action, and the survey showed that some offices use Mediation exclusively for housing discrimination charges.•

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By Mr. SIMON (by request):

S. 2328. A bill to revise and simplify certain labor laws applicable to Federal contracts, and for other purposes; to the Committee on Labor and Human Resources.

FEDERAL ACQUISITION LABOR LAW IMPROVEMENT ACT OF 1994

• Mr. SIMON. Mr. President, I am pleased to introduce today the Federal Acquisition Labor Law Improvement Act of 1994. I am introducing the legislation on behalf of the Clinton administration. The Federal Acquisition Labor Law Improvement Act of 1994 is the product of work initiated by the National Performance Review as part of their efforts to streamline the Federal procurement process. The bill proposes reforms to the Davis-Bacon Act and other labor laws applicable to Federal contracts. The reforms are designed to clarify the law and to reduce administrative burdens.

The administration remains strongly committed to the protections that the Davis-Bacon Act and other laws provide to workers. These reforms are designed to balance the objectives of these laws with the administration's goal to streamline the Federal procurement process. The key components of the Davis-Bacon Act reform in the proposal are: a threshold increase, simplified reporting requirements, a clarification of coverage, and a private right of action.

Mr. President, I look forward to working with the administration as the Federal Acquisition Labor Law Improvement Act of 1994 moves through the legislative process. I ask unanimous consent that the bill, and other material be included in the RECORD.

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

S. 2328

*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 "Federal Acquisition Labor Law Improvement Act of 1994".

**SEC. 2 AMENDMENTS TO THE DAVIS-BACON ACT.**

The Act of March 3, 1931, 46 Stat. 1494, as amended, commonly referred to as the "Davis-Bacon Act", 40 U.S.C. 276a et seq., is amended—

(1) by retitling section 1 (40 U.S.C. 276a) to read "CONTRACT REQUIREMENTS" and amending subsection (a) to read as follows:

"(a) REQUIRED PROVISIONS.—(1) IN GENERAL.—A contract described in subsection (b) which requires or involves the employment of mechanics and/or laborers shall contain a provision:

"(A) stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the locality where the work is to be performed;

"(B) which stipulates that the contractor or subcontractor under the contract shall pay all laborers and mechanics under the contract—

"(i) unconditionally,

"(ii) not less often than once a week; and

"(iii) without subsequent deduction or rebate on any account, unless otherwise authorized in writing by such laborer or mechanic in accordance with section 186(c)(4) of title 29, United States Code or by regulations issued by the Secretary of Labor, the full amounts accrued at the time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics;

"(C) which stipulates that the requirements of paragraph (A) shall apply to laborers and mechanics employed by the contractor or subcontractor to work directly upon the site of the work, including work at fabrication plants, batch plants, tool yards or similar facilities (other than previously established facilities of a contractor or subcontractor whose location and continuance in operation are determined wholly without regard to the contract work) which are not located on the project site but are dedicated exclusively, or nearly so, to construction of the project; and to laborers and mechanics, including truckdrivers, employed by the contractor or subcontractor to transport materials, supplies, and equipment to and/or from the site of the work (other than the hauling of materials or supplies to the site of the work from a permanent previously established facility by truckdrivers employed by a bona-fide independent trucking company or bona-fide material supplier), including between the actual construction location and other covered facilities; and

"(D) which stipulates that there may be withheld from the contractor under the contract or any contract between the same contractor and Federal Government or the District of Columbia or under any Federally assisted contract subject to Davis-Bacon prevailing wage requirements so much of accrued payments as may be considered necessary by the contracting officer or by the Secretary of Labor to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors or their agents, and, if the violations are willful, to pay an additional equal amount as liquidated damages. Funds withheld under this section shall be placed in an interest bearing account until the disposition of the funds is administratively and/or judicially resolved.

"(2) POSTING.—A contractor or subcontractor under a contract described in subsection (b) shall post the scale of wages required to be paid under such contract in a prominent and early accessible place at the site of the contract work.";

(2) by redesignating subsection (b) as (c), inserting "WAGES.—(1) DEFINITION.—" after "(c)", redesignating "(1)" and "(2)" as "(A)" and "(B)", redesignating "(A)" and "(B)" as "(i)" and "(ii)", changing all references to "subparagraph (2)(A)" to "subparagraph (B)(i)", changing all references to "subparagraph (2)" to "subparagraph (B)(ii)", changing all references to "paragraph (1)" to "subparagraph (A)", change all references to "paragraph (2)" to "subparagraph (B)", and by inserting "(2) OVERTIME.—" at the beginning of the last paragraph of the subsection;

(3) by inserting the following as new subsection (b) of section 1 (40 U.S.C. 276a) to read as follows:

"(b) COVERED CONTRACTS.

"(1) IN GENERAL.—The requirements of this section shall apply to any contract to which the United States or the District of Columbia is a party:

"(A) for the new construction, complete rehabilitation or reconstruction, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia in excess of $100,000;

"(B) for the repair and/or alteration, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia in excess of $50,000.

"(2) LEASES OF REAL PROPERTY.—The requirements of this section shall apply to any contract to which the United States or the District of Columbia is a party for the new construction, complete rehabilitation or reconstruction, including painting and decorating, of any building or work which is so constructed, rehabilitated or reconstructed for lease to, and in preparation for occupancy and use by, the United States or the District of Columbia where such lease provides for an average annual rental in excess of $100,000, provided, that any use of the building or work other than by the United States or the District of Columbia will be functionally or quantitatively incidental to the use and occupancy by the United States or the District of Columbia.

"(3) FEDERALLY ASSISTED.—(A) The requirements of this Act apply as provided in subparagraph (B) of this paragraph to any project for the construction, rehabilitation, reconstruction, alteration or repair, including painting and decorating, of buildings or works which are financed in whole or in part by loans, grants, revolving funds, loan guarantees, or other assistance from the United States pursuant to a statute which (i) is enacted after the effective date of this Act unless exempted or otherwise limited by Federal law, or (ii) contains a provision requiring the payment of prevailing wages as determined by the Secretary of Labor pursuant to this Act.

"(B) The provisions of this Act shall apply to Federally assisted projects if the amount of Federal financial assistance provided for the project exceeds the applicable thresholds set forth in this subsection for contracts to which the United States or the District of Columbia is a party. In the case of loan guarantees or other assistance for which the instrument of Federal financing or assistance does not have an aggregate dollar amount or cannot be determined, this Act shall apply when the value of the assisted project exceeds the applicable threshold set forth in this subsection for projects to which the United States or the District of Columbia is a party.

"(4) ADJUSTMENTS FOR CHANGES IN DOLLAR VALUES.—The amounts of the thresholds set forth in paragraph (1) shall be adjusted by the Secretary of Labor each year that is divisible by 5 to the amount that is equal to the fiscal year 1994 constant dollar value of the amount set forth. Any amount, as so adjusted, shall be rounded to the nearest $1,000. The adjusted threshold shall be effective upon publication in the Federal Register to contracts for which bids are solicited or negotiations concluded after such publication.

"(5) PROHIBITION ON SPLITTING CONTRACTS.—No project that would, if procured under a single contract, be subject to the requirements of this Act may be divided into multiple contracts of lesser value to avoid the application of this Act.

"(6) PREEMPTION.—Neither the requirements of subsection (a) nor the provisions of any other Federal law or regulation related to prevailing wages shall, solely by reason of such prevailing wage provisions preempt the application of requirements for the payment of wages or fringe benefits or both adopted by State, local or tribal governments otherwise applicable to contracts for the construction, rehabilitation or reconstruction, repair or alteration, including painting and decorating, of buildings and works financed in whole or in part by loans, grants, revolving funds, loan guarantees, or other assistance from the United States, unless compliance with such requirement would make it impossible to comply with the requirements of subsection (a).";

(4) by retitling section 3 (40 U.S.C. 276a-2(a)) to read "ENFORCEMENT" and amending subsection (a) to read as follows:

"(a) ADMINISTRATIVE PROCEDURES.—(1) PAYMENTS.—The Secretary of Labor is hereby authorized and directed to pay directly to laborers and mechanics from any accrued payments withheld under the contract or any contract between the same contractor and the Federal Government or District of Columbia or under any Federally assisted contract subject to Davis-Bacon prevailing wage requirements any wages found to be due laborers and mechanics pursuant to this Act, and if the violations were willful, for payment of an additional equal amount as liquidated damages. Any sum not paid to an employee because of inability to do so within 3 years shall be deposited into the miscellaneous receipts of the United States Treasury. If the accrued payments withheld are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required by this Act, the Secretary or any laborer or mechanic or any organization authorized to represent such laborer or mechanic may, within one year of the conclusion of all administrative proceedings, bring an action against the contractor and the contractor's sureties or other responsible parties for the payment of wages and liquidated damages found due by the Secretary. In such an action it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds. Every suit instituted under this subparagraph shall be brought in the United States district court for the district in which the contract was performed, where the contractor or subcontractor is

currently doing business, or where the contractor or subcontractor maintains its payroll records, irrespective of the amount in controversy in such suit. In such suits, the parties must conform to Chapter 7 of Title 5 of the United States Code.

"(2) DEPARMENT.—The Secretary of Labor is further authorized and directed to provide the names of persons or firms whom the Secretary has found to have disregarded their obligations to employees and subcontractors to the General Services Administration for inclusion on the governmentwide List of Parties Excluded from Federal Procurement and Nonprocurement Programs. No contract shall be awarded to the person or firm appearing on this list or to any firm, corporation, partnership, or association in which such person or firm has an interest until three years have elapsed from the date the persons' or firms' name is entered on the electronic version of the list.

"(3) AUTHORITY.—The Secretary of Labor shall prescribe appropriate standards, regulations and procedures in order to assure coordination of administration and consistency of enforcement of this Act which shall be observed by the Federal agencies responsible for administration of contracts described in subsection (b) of section 1 of this Act. The Secretary of Labor and the Federal agencies awarding contracts or providing financial assistance to projects are authorized to investigate compliance by any contractor or subcontractor with the requirements of the Act, and may take such action to secure compliance with such requirements as may be appropriate. The Secretary shall have the power to issue orders requiring the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In the case of contumacy, failure, or refusal of any person to obey such order, any district court of the United States or of any territory or possession, within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides or transacts business, upon application by the petitioner, shall have jurisdiction to issue to such person an order requiring such person to appear before the Secretary or a representative designated by the Secretary, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.";

(5) by amending subsection (b) of section 3 (40 U.S.C. 276a-2(b)) to read as follows:

"(b) REVIEW PROCEDURES.—(1) ACTION BY THE SECRETARY.—The Secretary of Labor shall issue regulations providing procedures for making determinations regarding the application of this Act to given contracts.

"(2) COVERAGE REVIEW.—(i) Any interested person, as defined in regulations issued by the Secretary of Labor, shall have the right to request the Secretary of Labor to make a determination regarding the applicability of the Act to a contract. Such determination shall be binding upon the Federal agencies awarding contracts or providing financial assistance and any recipient of financial assistance. If the Secretary notifies the contracting agency that the contract is subject to the Act, the contracting authority shall include in the contract the provisions required by section 1, including any applicable wage determination issued by the Secretary or his authorized representative, through the exercise of any and all authority that may be needed (including, where necessary, its authority to negotiate or amend, its authority to pay any necessary additional costs, and its authority under any contract provision authorizing changes, cancellation, and termination).

"(ii) Any person adversely affected or aggrieved by a determination by the Secretary of Labor made on a petition filed pursuant to paragraph (i), may obtain review of such determination in any United States court of appeals for the circuit in which such person is located, or in the United States Court of Appeals for the District of Columbia, by filing in such court within 60 days following issuance of such determination, a written petition praying that such determination be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court in which it is filed to the Secretary and to other interested persons. Review shall conform to Chapter 7 of Title 5 of the United States Code.";

(6) by amending section 3 (40 U.S.C. 276a-2) to add a new subsection (c) to read as follows:

"(c) RIGHT OF ACTION.—(1) IN GENERAL.—A laborer or mechanic employed pursuant to a contract, subcontract, loan, grant or other agreement which incorporates the provision required by section 1, or an organization authorized by such laborer or mechanic to represent the laborer or mechanic, who has not been paid in full therefor shall have the right to sue the contractor and/or subcontractor and the contractors' sureties for the amount, or balance thereof, unpaid and, if the violations were willful, for an additional equal amount as liquidated damages, and to prosecute said action to final execution and judgment for the sum or sums justly due the laborer or mechanic. A copy of the complaint shall be served on the Secretary of Labor. Such an action shall be commenced not later than 180 days after the day on which the last labor was performed under the contract with respect to which the action is brought, except that such time allowed for commencement shall be tolled if the contract is under investigation or review, including review of the applicability of the Act to the contract, by the Secretary of Labor pursuant to section 2(b) of this Act. In such an action it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds. Any action that requires a determination of the applicability of the Act shall first be referred by the Court to the Secretary of Labor for the opportunity to make a decision pursuant to paragraph (b)(2) of this section. No action may be brought or maintained under this paragraph by a laborer or mechanic with respect to the laborers' or mechanics' wages if an administrative proceeding or judicial action has been brought by the Secretary for the payment of wages alleged due such laborers or mechanics.

"(2) ACTION.—Every suit instituted under paragraph (c)(1) shall be brought in the United States District Court for the district in which the contract was performed, where the contractor or subcontractor is currently doing business, or where the contractor or subcontractor maintains its payroll records, irrespective of the amount in controversy in such suit.

"(3) ATTORNEY'S FEE.—The Court in any action brought under paragraph (c)(1) shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and the cost of the action."

**SEC. 3. AMENDMENTS TO THE COPELAND ACT.**

Section 2 of the Act of June 13, 1934, 48 Stat. 948, as amended, commonly referred to as the "Copeland Act", 40 U.S.C. 276c, is amended to read a follows:

"(a) The Secretary of Labor shall make reasonable regulations for contractors and subcontractors engaged in the construction, prosecution, completion or repair and/or alteration of buildings or works subject to the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.), or to the requirement of payment of wages determined in accordance with the Davis-Bacon Act. The regulations shall include provisions: (1) requiring contractors and subcontractors to submit along with each payment request under the contract a signed statement certifying that all persons employed in the performance of work under the contract have been paid the full amount of wages earned without deductions, except as permitted by regulations under this act, during the period covered by the payment request and certifying that all payroll records maintained and/or submitted by the contractor or subcontractor under subsections (b) and (c) of this section are correct and accurate, and (2) requiring lessors to submit monthly during the period of construction subject to prevailing wage provisions of the Davis-Bacon Act a signed statement certifying that all persons employed in performance of work under the contract have been paid the full amount of wages earned without deductions, except as permitted by regulations under this Act, during the period covered by the payment request and certifying that all payroll records maintained and/or submitted by the contractor or subcontractor under subsections (b) and (c) of this section are correct and accurate. Section 1001 of title 18 of the United States Code (Criminal Code and Criminal Procedure) shall apply to such statements.

"(b) Such regulations shall provide, among other things—

"(1) in the case of contracts which exceed $100,000 (as adjusted under section (b)(3) of 40 U.S.C. 276a), that all contractors and subcontractors, unless waived by the Secretary of Labor, shall furnish with respect to persons employed in such work not later than the 10th day of each month a payroll statement which sets forth at least the following information for each person for each payroll period ending during the preceding calendar month: the name, address, social security number, employment classification, number of hours worked daily and during the payroll period, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits), all deductions made, and actual wages paid, and

"(2) procedures for waiving the requirement for submission of monthly payroll statements based on criteria established by the Secretary of Labor. Such criteria shall include, but are not limited to, the contractor or subcontractor (A) has never been debarred for disregarding its obligations to employees under the Act of March 3, 1931, 46 Stat. 1494, as amended, commonly referred to as the "Davis-Bacon Act" or any other labor standards statute, (B) has demonstrated a thorough knowledge of the requirements of the Davis-Bacon Act through a history of compliance with the requirements of the Davis-Bacon Act over a substantial period of time, and (C) has otherwise demonstrated through performance that it is a responsible contractor.

"(c)(1) Each contractor and subcontractor shall maintain payroll and other basic records relating to payroll as required by

regulations issued by the Secretary of Labor and shall preserve such records for a period of three years after completion of the contract work.

"(2) The contractor or subcontractor shall submit payroll and related records to the contracting officer or the authorized representatives of the Secretary of Labor upon request, and make payroll and related records available for inspection upon request. If a contractor or subcontractor fails to make records available in a timely manner as required herein, the Secretary of Labor or authorized representatives or the contracting officer may suspend all payments to the contractor or subcontractor. Any statement provided under this section, excepting social security numbers, may be obtained by any person from any department, agency, or contracting authority which is required by law, regulation, or the terms of a contract, grant, or other agreement, to maintain a record of such statement without regard to the provisions of section 552 of title 5, United States Code.

"(3) The Secretary of Labor may require by subpoena testimony and the production of payroll and related record access to which is provided by this section. Any such subpoena in the case of contumacy or refusal to obey, shall be enforceable by order of an appropriate United States district court.

"(4) The Secretary of Labor may debar contractors, subcontractors or other persons pursuant to section 3(a)(2) of the Davis-Bacon Act who fail to submit payroll records when requested to do so or who fail or refuse to make payroll records available for inspection, including contractors and subcontractors who fail to retain required records, or who maintain or provide false payroll records.

"(5) Any contractor, subcontractor or other person whose duty it shall be to employ, direct, or control any laborer or mechanic employed in the performance of any contract to which this Act applies who other than inadvertently provides false payroll records to the Government under any mechanism provided for in this section, shall be subject to a fine of not to exceed $25,000, or by imprisonment for not more than one year, or both, in the discretion of the court having jurisdiction thereof.

"(d) This section shall not apply to any contract or project that is exempted by its size from the application of the Act of March 3, 1931, 46 Stat. 1494, as amended, commonly referred to as the 'Davis-Bacon Act', 40 U.S.C. 276a et seq."

**SEC. 4. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT.**

The Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. 327–333) is amended—

(1) by striking, in subsection 330(a), "Comptroller General of the United States" and substituting "Secretary of Labor";

(2) by striking, in subsection 333(d)(1), "Comptroller General" and substituting "General Services Administration"; and

(3) by amending subsection 333(d)(2) to read as follows:

"(2) The General Services Administration shall include each name so transmitted on the governmentwide List of Parties Excluded from Federal Procurement or Nonprocurement Programs. No contract shall be awarded to the person or firm appearing on the list or to any firm, corporation, partnership, or association in which such person or firm has a substantial interest until three years have elapsed from the date the persons' or firms' name is entered on the electronic version of the list."; and

**SEC. 5. SERVICE CONTRACT ACT.**

The Service Contract Act, Pub. L. 89–286, as amended (41 U.S.C. 351(a)), is amended—

(1) by striking, in subsection 4(d), ", if authorized by the Secretary," and "not exceeding five,";

(2) by amending subsection (a) of section 5 to read as follows:

"(a) The Secretary is directed to provide the names of persons or firms that the Secretary has found to have violated this Act to the General Services Administration for inclusion on the governmentwide List of Parties Excluded from Federal Procurement or Nonprocurement Programs. Unless the Secretary determines otherwise because of unusual circumstances, no contract of the United States shall be awarded to the person or firm appearing on this list or to any firm, corporation, partnership, or association in which such person or firm has a substantial interest until three years have elapsed from the date the persons' or firms' name is entered on the electronic version of the list."; and

(3) by striking paragraph (2) of section 7 and redesignating paragraphs (3) through (7) as (2) through (6).

**SEC. 6. EFFECTIVE DATE.**

This Act shall apply to all contracts entered into pursuant to negotiations concluded or invitations for bid issued on or after 180 days from the date of enactment of this Act.

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FEDERAL ACQUISITION LABOR LAW IMPROVEMENT ACT OF 1994—SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

Section 1 provides that the proposed Act may be cited as the "Federal Acquisition Labor Law Improvement Act of 1994."

SECTION 2—AMENDMENTS TO THE DAVIS-BACON ACT

Section 2 amends provisions of the Davis-Bacon Act to address the following issues:

*Designation of locality*

Subsection (a)(1)(A) of Section 1 of the Act (40 U.S.C. 276a) as amended deletes all reference to "city, town, village, or other political subdivision of the State" and substitutes in its place "in the locality where the work is performed". This change conforms the language of the Davis-Bacon Act and the Service Contract Act and gives the Department of Labor greater flexibility for establishing wage determinations.

*Authorized deductions from wages*

Subsection (a)(1)(B)(iii) of Section 1 of the Act (40 U.S.C. 276a) as amended requires contractors and subcontractors to pay laborers and mechanics unconditionally at least weekly and without subsequent deduction or rebate. A new exception from the broader language prohibiting subsequent deductions or rebates on any account has been made for deductions authorized by section 186(c)(4) of title 29 U.S.C. to accommodate union job targeting programs. Section 186(c)(4) allows employers to deduct union initiation fees, dues and assessments from the wages of employees and remit such amounts to a labor organization, provided that the employer has received a written authorization for each employee on whose account deductions are made. However, this new exception in no way otherwise limits the Secretary of Labor's authority to permit reasonable deductions pursuant to regulations issued under section 2 of the Copeland Act (40 U.S.C. 276c).

*Definition of site of work*

Subsection (a)(1)(C) of Section 1 of the Act (40 U.S.C. 276a) as amended applies the Act's requirements to laborers and mechanics employed by the contractor or subcontractor to work directly upon the site of the work, including work at fabrication plants, batch plants, tool yards and other similar facilities that are dedicated exclusively, or nearly so, to the performance of the contract work. This language essentially codifies the Department of Labor's "site of the work" regulations for activities performed by employees of a contractor or subcontractor at facilities dedicated exclusively, or nearly so, to the contract work but which are not located on the project site. The language change does not, however, extend the Act's coverage provisions to previously established fabrication plants, batch plants, tool yards and similar facilities of a contractor, subcontractor or material supplier whose location and continuance in operation are determined wholly without regard to the contract work, even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of the contract. These changes nullify the effects of the Court of Appeals decision in *Ball, Ball and Brosamer, Inc.* No. 92–5366, June 10, 1994.

The Act will also apply to laborers and mechanics, including truckdrivers, employed by the contractor or a subcontractor to transport materials, supplies, and equipment to and/or from the site of the work including between the actual construction location and fabrication plants, batch plants, tool yards or similar facilities that are dedicated exclusively, or nearly so, to construction of the project. This language essentially reinstates the Department of Labor's long-standing rule covering truck drivers employed by contractors and subcontractors who haul materials and supplies to or from a Davis-Bacon covered site. The language change does not, however, extend the Act's provisions to truckdrivers employed by a bona-fide material supplier or bona-fide independent trucking company, when hired by contractors or subcontractors, if the truck drivers are transporting materials or supplies to the site of the work from a previously established permanent facility. These changes nullify the effects of the Court of Appeals decision in *Building and Construction Trades Department, AFL–CIO* v. *United States Department of Labor*, 932 F. 2d 985 (D.C. Cir. 1991) but not the Court of Claims decision in *H. B. Zachry Co.* v. *United States*, 170 Ct. Cl. 115, 344 F. 2d 352 (1965).

*Covered contracts*

Subsection (b)(1) of section 1 of the Act (40 U.S.C. 276a) as amended replaces the current single coverage threshold of $2,000 with a threshold of $100,000 for contracts for new construction, complete rehabilitation or reconstruction (including painting and decorating) of public buildings and public works, and a $50,000 threshold for contracts for repairs and/or alterations (including painting and decorating) of public buildings and works.

The thresholds are established solely for purposes of determining whether the statute applies to projects and are not determinative of the nature of projects for wage determination purposes. Thus, separate wage schedules need not be developed or issued for new construction, rehabilitation or reconstruction versus repair and alteration.

In defining the terms the Secretary shall consider the term "new construction" to mean the initial construction of any building or work or the initial construction of an addition or extension to an existing building or work (e.g., adding a new wing or additional floors to an existing building). The term

"complete rehabilitation or reconstruction" shall be defined to mean the complete renovation, rehabilitation or reconstruction of an existing building or work.

Subsection (b)(2) of section 1 of the Act (40 U.S.C. 276a) as amended applies to contracts to which the United States or District of Columbia is a party for the new construction, complete rehabilitation or reconstruction of any building or work which is so constructed, rehabilitated or reconstructed for lease to, and in preparation for occupancy and use by, the United States or the District of Columbia where such contract provides for an average annual rental in excess of $100,000, provided, that any use of the building or work other than by the United States or the District of Columbia will be functionally or quantitatively incidental to the Government's use and occupancy. Where the building to be constructed will be occupied by tenants other than the Government, the construction of the building would be covered only if the use by the other tenants would be functionally or quantitatively incidental to the Government's use. In other words, the tenants' use would be functionally incidental if it served the Government or its employees—e.g., physical fitness or other athletic facilities, child care centers, credit unions, retail space such as cafeterias, restaurants or dry cleaners. The other tenants' use would be incidental in a quantitative sense if it were a relatively small proportion of the usable space, in relation to the space leased to the Government. It is anticipated that regulations of the Secretary will set clearer parameters for these criteria.

The Act will not apply to repairs or alterations, including painting and decorating, of any leased buildings or works performed by the lessor within the general scope and under the terms and conditions of the lease. Repairs and alterations performed by the lessor which are within the general scope of the lease are those which should be regarded as fairly and reasonably within the contemplation of the parties when the lease was entered into. Construction or repairs and alterations, including painting and decorating, that fall outside the general scope of the lease, even if they are performed by the lessor under a supplemental agreement to the lease, would be treated as a new procurement subject to the Act if the criteria in subsection (b)(1) of the Act are met. The principles of Federal procurement law will apply in determining whether work is outside the general scope of the lease contract.

Subsection (b)(3) of section 1 of the Act (40 U.S.C. 276a) as amended applies prospectively to new enacted statutes that provide Federal assistance unless exempted or otherwise limited by Federal law if the amount of Federal assistance provided for the project exceeded $100,000 for new construction or $50,000 for repairs and alterations.

Subsection (b)(4) of section 1 of the Act (40 U.S.C. 276a), as amended, provides a mechanism for periodic (every 5 years) adjustments of the threshold based on inflation.

Subsection (b)(5) of section 1 of the Act (40 U.S.C. 276a) as amended prohibits splitting contracts to avoid the threshold.

Subsection (b)(6) of section 1 of the Act (40 U.S.C. 276a) as amended deals with preemption and makes it clear that application of the Act would not preempt requirements of State or local laws related to the payment of wages. Contractors would have to comply with Davis-Bacon and State or local laws unless compliance with State or local law would make it impossible to comply with Federal law in which case the Contractor would comply with Federal law.

*Enforcement*

Section 3 of the Act (40 U.S.C. 276a–2(a)) is retitled and revised to enhance the enforcement provisions by: (1) establishing provisions for the Secretary of Labor to review an agency determination regarding the applicability of the Act to particular contracts; (2) providing for liquidated damages in an amount equal to the amount of unpaid wages for willful violations; (3) specifically authorizing the Secretary of Labor to bring action against the contractor, the contractor's sureties or other responsible parties for payment of wages; (4) providing for funds withheld to be placed in an interest bearing account until disposition of the funds is administratively or judicially resolved; (5) authorizing the Secretary of Labor to pay laborers and mechanics directly from funds withheld under contracts; (6) authorizing the Secretary of Labor instead of the Comptroller General to debar contractors for violations of the Act; (7) providing for listing of debarred parties on the Governmentwide list maintained by the General Services Administration; and (8) providing laborers and mechanics a private right of action. Such actions will be filed in United States District Court. The private right of action provision allows for the Court to provide for payment of reasonable attorney's fee to be paid by the defendant and the cost of the action.

SECTION 3—AMENDMENTS TO THE COPELAND ACT

Section 3 amends the Copeland Act to eliminate the current requirement for submission of weekly payroll data on all covered contracts of $100,000 or less (repair and alteration contracts over $50,000). For contract in excess of $100,000 (to be adjusted every 5 years to reflect inflation) the frequently for submission of weekly payroll data is changed from weekly to monthly. In addition, the Act is amended to provide for the Secretary of Labor to issue regulations which will provide procedures for waiving the requirement for monthly payroll data submission for contractors or subcontractors with a demonstrated history of compliance. These changes will significantly benefit the procurement community by reducing the flow of paper to the contracting agencies and reduce the paperwork burden on contractors and subcontractors. Contractors will, however, be required to certify with each payment request submitted to the contracting agency that employees have been properly compensated and that their payrolls, either maintained or submitted, are correct.

Section 3 also amends the Copeland Act to enhance the enforcement mechanisms by (1) requiring the contractor to maintain records for a period of 3 years after completion of the contract, (2) providing for suspension of all payments under the contract for failure to submit payroll and related records upon request by the contracting officer or a representative of the Secretary of Labor, (3) providing the Secretary of Labor authority to subpoena testimony and the production of payroll records, and (4) establishing a penalty of not to exceed $25,000 or imprisonment for not more than one year, or both for submission of false payroll records.

In addition, the Copeland Act is amended to provide for release of monthly payroll statements, excepting social security information, by any department, agency, or contracting authority which is required by law, regulations or terms of a contract or grant to maintain a record of such statement.

SECTION 4—AMENDMENT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Section 4 amends the Contract Work Hours and Safety Standards Act to provide for the Secretary of Labor rather than the Comptroller General to initiate debarment action for violations of the Act and for the submission of information on debarments to the General Services Administration (GSA) for inclusion on the Governmentwide List of Parties Excluded from Federal Procurement or Nonprocurement Programs. This change will provide for uniformity with other labor laws with respect to the process for withholding and disbursing funds to employees, for debarring violators, and for disseminating information on debarment actions. It will reduce costs by cutting out the Comptroller General. Uniformity in procedures under the various labor laws simplifies matters for contractors, procuring agencies and the Department of Labor. It also resolves possible constitutional issues regarding the role of the Comptroller General.

SECTION 5—SERVICE CONTRACT ACT

Section 5 amends the Service Contract Act by eliminating the current 5 year limitation on the period of a contract while retaining the provision for incorporating updated wage determinations in multiyear contracts at least every two years. It also amends the Act to provide for the Secretary of Labor to debar contractors for violations and for use of the Governmentwide list maintained by GSA to disseminate information on debarment actions.

SECTION 6—EFFECTIVE DATE

Section 6 establishes the effective date of the amendments to the various labor laws.

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OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, July 26, 1994.*

Hon. AL GORE,
*President of the Senate,*
*Washington, DC.*

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a legislative proposal entitled the "Federal Acquisition Labor Law Improvement Act of 1994." A sectional analysis is also enclosed.

The Administration continues to support the basic protections provided by the Davis-Bacon Act. At the same time, the National Performance Review (NPR) highlighted the need to streamline Davis-Bacon requirements as they apply to Federal procurement. For example, the NPR recommended reducing burdensome reporting requirements and increasing the onerous low threshold for the Act's coverage, which has remained unchanged since 1935. Davis-Bacon streamlining will produce administrative savings and reduce burdens on small construction contractors doing business with the Government.

The Administration has developed a balanced package of Davis-Bacon reforms, which would achieve streamlining without undercutting the wages of construction workers. The enclosed legislative proposal:

Raises the threshold for coverage from $2,000 to $100,000 for new construction and from $2,000 to $50,000 for repairs and alterations.

Eliminates more than three quarters of contractors' reporting requirements.

Prospectively applies Davis-Bacon to federally assisted construction (unless Congress votes otherwise) and introduces an automatic inflation adjustment to the coverage threshold.

To keep the package balanced, (1) restores traditional Department of Labor policies (recently overturned in court) regarding the definition of the worksite for the purposes of coverage, and (2) establishes a worker-initiated remedy for Davis-Bacon enforcement.

Provides a statutory standard for the coverage of Davis-Bacon in cases of leased construction. The need for such a standard has become more urgent given the recent ruling of the Department of Justice that Davis-Bacon can cover leased buildings.

This legislative proposal provides a significant opportunity for the first reform of the Davis-Bacon Act in many decades. I urge its prompt and favorable consideration by the Congress.

Sincerely,

ALICE M. RIVLIN,
*Acting Director.*•

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By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2329. A bill to settle certain Indian land claims within the State of Connecticut, and for other purposes; to the Committee on Indian Affairs.

THE MOHEGAN NATION OF CONNECTICUT LAND CLAIMS SETTLEMENT ACT OF 1994

• Mr. DODD. Mr. President, I introduce the Mohegan Nation of Connecticut Land Claims Settlement Act of 1994. I am joined in this effort by my good friend and colleague, Senator JOSEPH LIEBERMAN.

This legislation can be described as the final leg of a journey that began in Colonial times. It was then that white settlers in the Colony of Connecticut first encountered and befriended the Mohegan Tribe, a band of Indians that dwelled primarily in what is now New London County along the banks of the Thames River. Regrettably, in a scenario that has become all too familiar in the annals of the history of United States-Native American relations, the Mohegans ultimately paid a severe price for their willingness to cooperate with the Europeans. They were eventually forced onto a reservation, only to find the boundaries of that land shrink steadily over time.

Three hundred years later, descendants of the Mohegans still reside in eastern Connecticut, living and working side-by-side with descendants of the original Europeans.

And after a lengthy and complicated process, the modern-day Mohegan Tribe has succeeded in documenting their historical and genealogical linkages with the original tribe and have satisfied the requirements necessary to achieve Federal recognition. I commend the tribe for persevering on the administrative recognition process. Challenging though it may be, the Mohegan experience illustrates that the administrative process does work, and ought to be followed.

It remains for the Congress, however, to enact legislation to extinguish any pending Mohegan land claims. Though most of these claims were filed prior to the establishment of the Federal recognition process, they continue to cloud land titles in Connecticut to this day.

The legislation I am about to introduce extinguishes those pending land claims. This is an important step—not just for the tribe, but for the citizens of Montville as well. Homeowners, many of whom have been living with clouded titles for a dozen years or more, will finally have peace of mind when they go to sell or refinance their property.

In addition to the extinguishment provisions, the bill authorizes the Secretary of the Interior to accept lands to be taken into trust by the United States for the Mohegan Tribe, so that they may establish a reservation. Finally, the legislation paves the way for implementation of a pair of underlying agreements that the Mohegan Tribe has negotiated with the State of Connecticut and the town of Montville, CT, respectively.

With regard to those agreements, I am pleased that the tribe has made the effort to sit down with their non-Indian neighbors and work out agreements that address the legitimate concerns of those citizens. These groups have been and will continue to be neighbors for a very long time, and it is in everyone's interest to start off on the right foot. To be sure, the future endeavors of the Mohegan Tribe will have an impact on the other residents of the town of Montville, and by establishing a cooperative relationship at this juncture, the prospect for continued mutual respect and collaboration is greatly enhanced.

These agreements would not have come about without the concerted efforts of Mohegan Chief Ralph Sturges and Mayor Wayne Scott of Montville. I commend them both for sitting down and forging a positive relationship.

I also want to acknowledge the efforts of my colleague in the House of Representatives, Congressman SAM GEJDENSON, who introduced this measure in the House. I look forward to working with him and my colleagues in the Senate to enact this legislation.•

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By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. MITCHELL, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, Mr. THURMOND, Mr. SIMPSON, Mr. SPECTER, and Mr. JEFFORDS):

S. 2330. A bill to amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes; to the Committee on Veterans' Affairs.

VA COMPENSATION FOR UNDIAGNOSED ILLNESSES

• Mr. ROCKEFELLER. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am introducing today S. 2330, a bill to amend title 38, United States Code, to clarify that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to service-connected disability compensation from the Department of Veterans Affairs. I am enormously pleased that all members of the Committee on Veterans' Affairs have joined me as original cosponsors of this important measure. They are ranking minority member MURKOWSKI and Senators DECONCINI, MITCHELL, GRAHAM, AKAKA, DASCHLE, CAMPBELL, THURMOND, SIMPSON, SPECTER, and JEFFORDS.

Mr. President, this bill would clarify the authority of the Department of Veterans Affairs to pay service-connected disability compensation to veterans who are clearly disabled as the result of illnesses that cannot be diagnosed. The necessity for this measure has arisen with respect to compensation for Persian Gulf war veterans.

Mr. President, I first express my deep concern about the Department's failure thus far to compensate certain Persian Gulf war veterans who should already be compensated. This problem is the direct result of VA's refusal to grant service connection to those veterans with clearly disabling conditions who do not have a diagnosable illness which VA will recognize as meeting the definition of "disease."

Mr. President, since their service in the Persian Gulf theater of operations, many members of the U.S. Armed Forces have experienced serious, unexplained health problems that many suspect are related to their in-theater service before, during, or after the war. A small number also have experienced specific health problems that clearly are related to this service, such as leishmaniasis, which results from infection by a known tropical parasite.

In the past year or so, there has been a great deal of attention paid to the mysterious illnesses experienced by Persian Gulf veterans. Veterans and active-duty servicemembers have reported chronic symptoms such as joint pain, debilitating fatigue, hair loss, impaired memory, and skin rashes. Often, these afflictions are broadly referred to as "Persian Gulf Syndrome" or "Gulf War Syndrome." Whatever their source or cause, these symptoms have led to varying degrees of disability for numerous veterans.

At first, much of the focus was on the effects of the burning oil from wells in Kuwait set afire by Iraqi troops. More recently, the focus has expanded to include the potential health effects of other chemical exposures during military operations in the Persian Gulf, as well as the experimental drugs and vaccines that were administered to hundreds of thousands of servicemembers.

Congress, VA, and the Department of Defense have taken a number of actions to address the problems facing Persian Gulf veterans. Legislation has required VA and DOD to conduct health examinations and establish registries of Persian Gulf war veterans, in an effort to record and track any health problems. The registries are meant to preserve information about

these troops that could prove vital in assessing the health impact of the various exposures in the Gulf. The examinations and registries are intended to give the Federal Government an opportunity to observe and monitor the health of these veterans, in an effort to allow for valid, long-term, scientific study of these reported medical problems—without immediately reaching any conclusions about specific conditions or mandating any particular studies.

Congress also required VA and DOD to seek to enter into a contract with the National Academy of Sciences' Medical Follow-Up Agency [MFUA] to review the existing scientific, medical, and other information on the health consequences of military service in the Persian Gulf theater of operations. Under this provision, MFUA also would assess the effectiveness of efforts by VA and DOD to collect and maintain information potentially useful for assessing these health consequences. Finally, MFUA would evaluate and recommend whether there is a scientific basis for VA and DOD to undertake an epidemiological study or studies, and, if so, what types of studies would be appropriate.

In April 1994, the National Institutes of Health held a workshop on the health effects of service in the Persian Gulf. This workshop was cosponsored by VA, DOD, and other Federal agencies. Unfortunately, the experts on the panel did not have sufficient information to draw conclusions about the causes of the symptoms being experienced by Persian Gulf war veterans.

Mr. President, while all of these actions are being taken, there are many veterans who continue to suffer from disabilities resulting from their Persian Gulf service, yet nevertheless remain uncompensated.

VA maintains that current law does not authorize the Department to compensate any veterans who do not have diagnosable illnesses—even if symptoms first showed up during service. VA will not award compensation because there is no diagnosis of a defined disease on the veteran's medical examination report.

Mr. President, sections 1110 and 1131 of title 38, United States Code, state that the Federal Government will pay compensation for a disability resulting from personal injury suffered or disease contracted in line of duty * * *. Nothing in the law requires that a disability must consist of a specific diagnosed condition in order to be awarded service connection and subsequently rated for purposes of determining the amount of the compensation payment. The requirement of a diagnosed condition is one imposed by VA for purposes of adjudicating claims for service-connected disability compensation. This may be convenient for VA, but it is not a requirement of the law.

I simply cannot understand why VA takes the position it does concerning compensation for Persian Gulf veterans, particularly in light of the Department's duty, under section 1154 of title 38, to resolve every reasonable doubt in favor of combat veterans and generally to apply the "reasonable doubt doctrine" in every case, under section 3.102 of title 38, Code of Federal Regulations.

Mr. President, I remain firm in the belief that the Department has sufficient legal authority under existing law to fully remedy this situation. The full membership of the Committee on Veterans' Affairs shares this view, as reflected in a June 9, 1994, letter from all members of the Committee to Secretary of Veterans Affairs, Jesse Brown, in which we urged him to take action to compensate Persian Gulf veterans without delay. Nevertheless, correspondence and discussions over the past few weeks between the Committee and VA have indicated that the Department remains unconvinced of this authority. Therefore, legislation is required.

Mr. President, this bill is intended to solve this stalemate by affirming VA's authority to pay compensation for a disability that happens to result from an illness that has no defined diagnosis. This bill would afford a broad approach to addressing the problem of compensation for Persian Gulf veterans. Because it would affirm VA's general authority related to service connection for disabilities, it would apply to all veterans with chronic, undiagnosed illnesses, not only to Persian Gulf veterans.

Mr. President, this bill would amend sections 1110 and 1131 of title 38 to clarify that the term "disease" for purposes of eligibility for disability compensation includes undiagnosed illnesses. The bill also would amend section 1154 of title 38 to require that VA regulations governing the determination of service connection include consideration of any military experiences or medical symptoms that a veteran may have in common with other veterans whose service was similar to the veteran's. For example, in the case of Persian Gulf veterans, VA would be required to take into consideration the similarity of the constellation of medical symptoms suffered by so many Persian Gulf veterans. Such similarities, while not explained, must be attributed to more than mere coincidence and these veterans must be given the benefit of the doubt.

Mr. President, section 1101 of title 38 sets out a list of specific chronic diseases that may be service-connected on a presumptive basis under section 1112(a) if they show up within a year after the veteran leaves service. Section 1101 also gives the Secretary authority to establish presumptive service connection for such other chronic diseases as the Secretary may add to this list. The clarification of current law contained in the measure introduced today, along with the provision in section 1101 that allows the Secretary to add chronic diseases to the list, would provide the Secretary with all the tools needed to compensate Persian Gulf veterans for undiagnosed illnesses.

Mr. President, I regret that this situation requires a legislative remedy. However, I strongly believe this measure is the appropriate action to take if the Department will not correct this problem on its own. This bill would provide clarification of VA's existing authority to award service connection for disabilities resulting from undiagnosed conditions, without expanding or changing that authority. Of the various legislative options available, I believe this is the preferable approach because it avoids micromanagement of the Department by Congress, and validates VA's authority to make decisions concerning service connection for specific conditions.

Congress should not be in the business of legislating service connection for every new disease that results from service in particular wars or military conflicts. This measure leaves the discretion for such decisions to VA, where it rightfully belongs. Only when VA fails to act properly in carrying out its obligations with respect to compensating veterans for service-related disabilities should Congress step in and take some corrective action.

This measure will not resolve all of the problems faced by Persian Gulf veterans. There are still many unanswered questions concerning the health effects of the chemical exposures in the Persian Gulf and whether conditions that take a longer time to show up can be connected to Persian Gulf service. However, as it has been noted previously in this debate, we will have to wait for the scientific and medical evidence to provide us with answers. In the meantime, VA can and should be acting with respect to at least some of the affected veterans. This bill will ensure that VA is able to do just that.

Mr. President, my hope is that we can enact this measure quickly, so that VA can begin to compensate all veterans who are suffering from undiagnosed, service-connected conditions that have left them severely disabled. These deserving veterans should not be penalized simply because their diseases have no name. They are sick because of their military service, and therefore should receive compensation from the Government they served so bravely.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2330

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CLARIFICATION OF RELATIONSHIP BETWEEN UNDIAGNOSED ILLNESS AND DISEASE FOR PURPOSES OF ENTITLEMENT TO DISABILITY COMPENSATION.**

(a) WARTIME DISABILITY COMPENSATION.—Section 1110 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "For disability"; and

(2) by adding at the end the following:

"(b) For the purposes of this section, the term 'disease', in the case of an individual, means any deviation from or interruption of the normal structure or function of any part, organ, or system of the body of the individual that is manifested by a symptom or sign (or symptoms or signs) the etiology, pathology, and prognosis for which is known or unknown.".

(b) PEACETIME DISABILITY COMPENSATION.—Section 1131 of such title is amended—

(1) by inserting "(a)" before "For disability"; and

(2) by adding at the end the following:

"(b) For the purposes of this section, the term 'disease', in the case of an individual, means any deviation from or interruption of the normal structure or function of any part, organ, or system of the body of the individual that is manifested by a symptom or sign (or symptoms or signs) the etiology, pathology, and prognosis for which is known or unknown.".

(c) CONSIDERATION OF CIRCUMSTANCES OF SERVICE.—Subsection (a) of section 1154 of such title is amended to read as follows:

"(a) The Secretary shall include in the regulations pertaining to service-connection of disabilities the following provisions:

"(1) Additional provisions requiring that due consideration be given in each case where a veteran is seeking service-connection for a disability and where such consideration might materially assist the veteran in establishing such service-connection to—

"(A) the places, types, and circumstances of such veteran's service as shown by such veteran's service record, the official history of each organization in which the veteran served, such veteran's medical records, and all pertinent medical and lay evidence; and

"(B) the common or shared experiences, medical symptoms or signs, or both, of other veterans (including groups of veterans) who—

"(i) were engaged in service similar to the service of such veteran; and

"(ii) exhibit, or have exhibited since such service, medical symptoms or signs similar to the medical symptoms or signs of such veteran.

"(2) The provisions required by section 5 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (38 U.S.C. 1154 note).".●

● Mr. MURKOWSKI. Mr. President, as Senator ROCKEFELLER has outlined in his statement, the legislation being introduced today reaffirms the authority of the Department of Veterans Affairs [VA] to compensate Persian Gulf veterans who suffer illnesses which physicians and scientists do not yet fully understand. As the ranking minority member of the Senate Veterans' Affairs Committee, I speak on this legislation with mixed feelings.

Certainly, I am committed to the principle that Persian Gulf veterans who suffer mysterious maladies must receive the compensation to which they are entitled. Equally, I am committed to the principle that Persian Gulf veterans who are ill must receive compensation now—even though medical professionals, scientists, and VA officials have not yet been able to agree on the "diagnostic codes" into which they might cubbyhole the very real maladies which, all now seem to agree, some Persian Gulf veterans are suffering.

In light of my commitment to Persian Gulf veterans, I am pleased to join Senator ROCKEFELLER in cosponsoring this legislation. I am pleased, as well, to be able to say that all of the Republican members of the committee have joined in cosponsoring this bill.

As I have stated however, I do have mixed feelings about this legislation because I think it is unnecessary, and I think VA delay while waiting for unnecessary legislation is unconscionable. The members of the Senate Veterans' Affairs Committee are of the unanimous view, as expressed in a letter to VA dated June 6, 1994, that the VA already has authority to compensate Persian Gulf veterans. Senator ROCKEFELLER and I reaffirmed our view, in a letter published in the July 13, 1994 edition of the Washington Post, that the existence of Persian Gulf ailments—not their cause, diagnosis or scientific name—is what matters when it comes to the issue of whether Persian Gulf veterans should be compensated. In that letter, Senator ROCKEFELLER and I said that "it doesn't matter if the cause of the [Persian Gulf] health problem is a toxin, a virus, a psychosomatic reaction to the stress of deployment or of combat or forever unknown. If a veteran went over healthy and came back sick, the VA's mandate is, to paraphrase Abraham Lincoln, to care for those who have borne the battle."

In my view, Mr. President, VA has lost sight of this fundamental tenet. The fact that VA may not yet fully understand gulf war illnesses is not a good reason for denying compensation. Nor should the fact that medical science has not yet developed "diagnostic codes" by which it might label Persian Gulf illnesses. "Diagnostic codes," to my way of thinking, are mere administrative conveniences under which doctors can classify sick persons. The existence of "diagnostic codes" is not a necessary prerequisite to a medical finding those persons are, in fact, sick. The fact that a Persian Gulf veteran came back from the gulf sick—not the label we attach to that sickness—is what matters. No amount of legal hairsplitting ought to distract us, or the VA, from that fundamental fact.

Unfortunately, Mr. President, the committee has not succeeded in persuading VA that the scope of its current legal authority allows it to proceed. No practical purpose would be served in further arguing the point with VA, since VA lawyers have apparently convinced the Secretary of Veterans Affairs that he cannot take decisive action without legislation. Thus, Senator ROCKEFELLER and I—supported by a bipartisan coalition of Veterans' Affairs committee members—offer this legislation today. We request the support of our colleagues, noting that the bill will grant to VA clear and unmistakable—and generic—authority to determine in the future which diseases and conditions ought to give rise to compensation. It will thereby get Congress out of the business of making such determinations on a disease by disease basis.

Mr. President, I ask unanimous consent that the texts of the two letters I have mentioned in this statement—a letter to the Secretary of Veterans Affairs, dated June 6, 1994, and a letter to the Washington Post, dated June 29, 1994, be printed in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
*Washington, DC, June 9, 1994.*

Hon. JESSE BROWN,
*Secretary of Veterans Affairs, Washington, DC.*

DEAR JESSE: We are deeply concerned about the Department's failure to adequately meet the needs of Persian Gulf War veterans, a goal we know you share. This problem is the direct result of VA's refusal to grant service connection to those veterans with clearly disabling conditions but for whom VA has not made, or recognized, a diagnosis which VA considers adequate to meet the regulatory definition of disability or disease.

We strongly believe that the Department has sufficient legal authority under existing law to fully remedy this shortcoming, and urge you to do so without delay.

We have received information indicating there are a significant number of Persian Gulf veterans who allege service connection based on exposure to environmental hazards in the Persian Gulf, and there is no question that the veteran is disabled. However, VA will not award compensation because it lacks a diagnostic code to place on the medical examination report. There simply is no excuse for this.

We applaud your support for legislation that would require VA to pay compensation to Persian Gulf veterans who suffer from a chronic disability resulting from an undiagnosed illness if the disability manifested itself to a degree of at least 10 percent within 2 years after the veteran left Southwest Asia. However, we nevertheless maintain that you do not need additional legislative authority to provide compensation to those veterans who are clearly disabled.

Section 1110 of title 38, United States Code, states that the federal government will pay compensation for a "disability resulting from personal injury suffered or disease contracted in line of duty, . . ." Nothing in the law requires that a "disability" must consist of a diagnosed condition in order to be awarded service connection and subsequently rated for purposes of determining the

amount of the compensation payment. The regulatory requirement of a diagnosed condition is one imposed by VA for purposes of adjudicating claims for service-connected disability compensation. While it may be a matter of convenience to VA, it is not a requirement of the law.

We are at a loss to understand why VA would take the position it does with respect to these claims, in light of VA's obligation under section 1154 of title 38, to resolve every reasonable doubt in favor of combat veterans and generally to apply the "reasonable doubt doctrine" in every case under section 3.102 of title 38, Code of Federal Regulations.

Whether VA takes action to provide compensation to Persian Gulf War veterans on an administrative basis or under new legislative authority, there will be cost implications. We are interested in your views on how VA proposes to achieve the necessary savings to offset the cost of an approach such as in H.R. 4386, which we understand VA estimates will be $15 million per year.

Mr. Secretary, we know that you are thoroughly committed to providing every possible assistance to the veterans of this most recent war. The issue we have raised certainly provides an opportunity to show this generation of American veterans that the government that sent them to the Persian Gulf stands ready and willing to make sure they get the benefits they have earned through their service. We urge you to look into this issue personally and get back to us as soon as possible.

Sincerely,
Jay Rockefeller,
Ben Nighthorse Campbell,
Daniel K. Akaka,
Frank H. Murkowski,
George Mitchell,
Al Simpson,
Bob Graham,
Dennis DeConcini,
Tom Daschle,
Jim Jeffords,
Arlen Specter.

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U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
*Washington, DC, June 29, 1994.*

THE EDITOR,
*The Washington Post, Washington, DC.*

DEAR EDITOR: Jim Schnabel, in his column headlined "Band-wagon Syndrome", missed the point on disability compensation for veterans.

By law, VA is mandated to compensate for diseases or injuries which are either incurred or aggravated during active duty. The cause of the illness is irrelevant. In the case of "Persian Gulf Syndrome", it doesn't matter if the cause of the health problem is a toxin, a virus, a psychosomatic reaction to the stress of deployment or combat, or forever unknown. If a veteran went over healthy and came back sick, VA's mandate is, to paraphrase Abraham Lincoln, to care for those who have borne the battle.

That is why we are astonished at VA's refusal to compensate disabled Persian Gulf veterans unless forced to do so by the Congress.

Sincerely,
JOHN D. ROCKEFELLER IV,
*Chairman.*
FRANK H. MURKOWSKI,
*Ranking Minority Member.*●

## ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1026

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1026, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or Reserve units of the Armed Forces will be allowable in computing adjusted gross income.

S. 1513

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 1513, a bill entitled "Improving America's Schools Act of 1993."

S. 1746

At the request of Mrs. KASSEBAUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1746, a bill to establish a youth development grant program, and for other purposes.

S. 2073

At the request of Mr. SMITH, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Washington [Mr. GORTON], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 2073, a bill to designate the U.S. courthouse that is scheduled to be constructed in Concord, NH, as the "Warren B. Rudman United States Courthouse", and for other purposes.

S. 2178

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2178, a bill to provide a program of compensation and health research for illnesses arising from service in the Armed Forces during the Persian Gulf war.

S. 2246

At the request of Mr. DORGAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2246, a bill to require the Secretary of the Treasury to include organ donation information with individual income tax refund payments.

S. 2255

At the request of Mr. GORTON, the names of the Senator from Oklahoma [Mr. NICKLES] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 2255, a bill to amend the Budget Enforcement Act of 1990 to establish a new budget point of order against any amendment, bill, or conference report that directs increased revenues from additional taxation of Social Security or Railroad Retirement benefits to a fund other than the Social Security trust fund or the Social Security equivalent benefit account.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 212

At the request of Mr. RIEGLE, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arizona [Mr. MCCAIN], the Senator from Nevada [Mr. BRYAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Utah [Mr. HATCH], the Senator from Wyoming [Mr. SIMPSON], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Oklahoma [Mr. BOREN], the Senator from Nebraska [Mr. EXON], the Senator from Virginia [Mr. WARNER], the Senator from California [Mrs. FEINSTEIN], the Senator from Indiana [Mr. COATS], the Senator from Virginia [Mr. ROBB], the Senator from Idaho [Mr. CRAIG], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 212, a joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

SENATE CONCURRENT RESOLUTION 64

At the request of Mrs. MURRAY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Concurrent Resolution 64, a concurrent resolution expressing the sense of the Congress regarding the Guatemalan peace process and the need for greater protection of human rights in Guatemala.

SENATE CONCURRENT RESOLUTION 72

At the request of Mr. GREGG, the names of the Senator from Colorado [Mr. BROWN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Concurrent Resolution 72, a concurrent resolution expressing the sense of the Congress that the President should refrain from signing the seabed mining agreement relating to the Convention on the Law of the Sea.

SENATE RESOLUTION 70

At the request of Mr. MURKOWSKI, his name was withdrawn as a cosponsor of

Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

## SENATE CONCURRENT RESOLUTION 73—RELATIVE TO THE JAPANESE FOOD AGENCY

Mrs. FEINSTEIN (for herself, Mr. BREAUX, Mrs. BOXER, Mr. PRYOR, Mr. BUMPERS, and Mr. JOHNSTON) submitted the following concurrent resolution, which was referred to the Committee on Finance:

S. RES. 73

Expressing the sense of the Congress with respect to the announcement of the Japanese Food Agency that it does not intend to fulfill its commitment to purchase 75,000 metric tons of United States rice.

Whereas due to severe weather conditions during the summer of 1993, Japan found its rice supply to be disastrously short, and thus was forced to announce the establishment of an emergency program to import rice during 1993 and 1994;

Whereas the Japanese Food Agency initiated an emergency program to import approximately 2,650,000 metric tons of rice during 1993 and 1994;

Whereas the Japanese Food Agency reached a good faith agreement with United States Government officials and representatives of the United States rice industry to purchase 644,000 metric tons of United States rice as part of the emergency program;

Whereas the United States rice industry undertook extraordinary measures, including buying back inventory already sold to other customers, to ensure that 644,000 metric tons of United States rice was available for shipment to Japan;

Whereas the Japanese Food Agency announced in June 1994 that it had terminated the emergency program, notwithstanding that 75,000 metric tons of United States rice reserved for export to Japan under the good faith agreement remained to be shipped;

Whereas the Japanese Food Agency refuses to honor its commitment to purchase the remaining 75,000 metric tons of United States rice despite repeated overtures from United States Government officials and representatives of the rice industry;

Whereas the remaining 75,000 metric tons of rice represent a relatively small quantity of rice to Japan, but a highly significant one to the United States rice industry, with an economic impact of over $45,000,000;

Whereas if the 75,000 metric tons of rice remain unsold to the Japanese Food Agency, the carryover of this quantity from the 1993 crop year to the 1994 crop year will cause the United States season average farm price for rice to decline by $.36 per hundredweight in 1994, and by $.17 per hundredweight in 1995;

Whereas these declines in price would equate to a loss in farm revenue of $56,200,000 in 1994 and $30,800,000 in 1995, for a combined loss of $87,000,000;

Whereas the United States Government and the United States rice industry have worked diligently and exhaustively to establish an open trade relationship with the Government of Japan;

Whereas the failure of the Japanese Food Agency to purchase the remaining 75,000 metric tons of United States rice directly contravenes a good faith agreement between the Japanese Food Agency and the United States rice industry and thereby places in jeopardy other such agreements reached between the United States and Japan; and

Whereas this action by the Japanese Food Agency damages the prospect for future trade relations between the United States and Japan: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress of the United States—

(1) strongly disapproves of the decision of the Japanese Food Agency to renege on its good faith agreement to purchase 75,000 metric tons of rice from the United States rice industry;

(2) express its grave concern about the future of trade relations between the United States and Japan in light of the failure of the Japanese Food Agency to honor an agreement made in good faith with United States Government officials and representatives of the rice industry;

(3) strongly urges the Government of Japan to fulfill expeditiously its commitment to purchase the remaining 75,000 metric tons of United States rice; and

(4) strongly encourages the President of the United States to take all steps necessary to conclude the purchase of the remaining 75,000 metric tons of United States rice that has been reserved for purchase by the Japanese Food Agency.

Mrs. FEINSTEIN. Mr. President, I rise to submit a resolution expressing congressional disapproval of the decision of the Japanese Food Agency to renege on its agreement to purchase 75,000 metric tons of rice from the United States. The measure is identical to the resolution Congressman VIC FAZIO is submitting today in the House.

For many years, the Japanese market has been closed to American rice as Japan has sought to protect its own rice industry. Japan's decades-old ban of imported rice has been one of the most egregious examples of unfair trade.

Last year, however, Japan had a disastrously short crop due to bad weather and was forced to establish an emergency program to import foreign rice. Japan's emergency program called for the importation of approximately 2,650,000 metric tons of rice in 1993 and 1994. Most importantly for the United States, the Japanese Food Agency reached an agreement with United States Government officials and representatives of the United States rice industry to purchase 644,000 metric tons of United States rice.

Now the Japanese Food Agency has backed off on fulfilling that commitment. Last month the Japanese Food Agency announced that it was terminating its emergency program to purchase foreign rice immediately. This announcement means Japan is not purchasing 75,000 metric tons of United States rice that it had already agreed to buy. Moreover, the United States is the only country affected by the announcement.

Mr. President, this is a very significant matter for the U.S. rice industry, with an economic impact of over $45 million. The United States rice industry undertook extraordinary measures, including buying back rice already sold to other customers, in order to ensure that 644,000 metric tons of United States rice would be available for shipment to Japan. I am advised that if the 75,000 metric tons of rice remain unsold, the carryover of this quantity from the 1993 crop year to the 1994 crop year will cause the U.S. average farm price for rice to decline by 36 cents per hundredweight in 1994 and by 17 cents per hundredweight in 1995. This equates to a loss of $56.2 million in farm revenue in 1994 and $30.8 million in 1995—a total loss of $87 million in farm revenue.

I believe our Government must take a strong stand and ensure that the Japanese follow through on the original agreement. The resolution I am submitting today calls for firm action. Specifically, the resolution:

Strongly disapproves of the decision of the Japanese Food Agency to renege on its good faith agreement to purchase 75,000 metric tons of rice from the United States rice industry;

Expresses grave concern about the future of our trading relationship with Japan in light of the Japanese Food Agency's failure to honor the agreement;

Strongly urges the Government of Japan to fulfill its commitment to purchase 75,000 metric tons of rice from the United States rice industry; and

Strongly encourages the President to take all steps necessary to conclude the purchase of the remaining 75,000 metric tons of rice that have been reserved for purchase by the Japanese Food Agency.

## AMENDMENTS SUBMITTED

### IMPROVING AMERICA'S SCHOOLS ACT OF 1993

### DOMENICI (AND OTHERS) AMENDMENT NO. 2414

Mr. DOMENICI (for himself, Mr. DODD, Ms. MIKULSKI, Mr. DORGAN, and Mr. PELL) proposed an amendment to the bill (S. 1513) entitled "Improving America's Schools Act of 1993"; as follows:

On page 1035, between lines 11 and 12, insert the following:

**"PART P—PARTNERSHIPS IN CHARACTER EDUCATION PILOT PROJECT**

**"SEC. 8901. PROGRAM AUTHORIZED.**

"(a) IN GENERAL.—The Secretary is authorized to make up to a total of 10 grants annually to partnerships of State educational agencies and local educational agencies for the design and implementation of character education programs that incorporate the elements of character listed in section 8904, as well as other character elements identified by applicants.

"(b) MAXIMUM AMOUNT OF GRANT.—No State educational agency shall receive more

than a total of $1,000,000 in grants under this part.

"(c) DURATION.—Each grant under this part shall be awarded for a period not to exceed 5 years, of which the State educational agency shall not use more than 1 year for planning and program design.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1995 $6,000,000, and such sums as may be necessary for each fiscal year thereafter to carry out this part.

**"SEC. 8902. STATE EDUCATIONAL AGENCY APPLICATIONS.**

"(a) REQUIREMENT.—Each State educational agency desiring a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(b) PARTNERSHIPS.—Each State educational agency desiring a grant under this part shall form a partnership with at least one local educational agency to be eligible for funding. The partnership shall—

"(1) pursue State and local initiatives to meet the objectives of this part; and

"(2) establish a character education clearinghouse at the State level to make information and materials available to local educational agencies.

"(c) APPLICATION.—Each application under this part shall include—

"(1) a list of the local educational agencies entering into the partnership with the State educational agency;

"(2) a description of the goals of the partnership;

"(3) a description of activities that will be pursued by the participating local educational agencies, including—

"(A) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program;

"(B) curriculum and instructional practices;

"(C) methods of teacher training and parent education that will be used or developed; and

"(D) examples of activities that will be carried out under this part;

"(4) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs;

"(5) a description of how the State educational agency will evaluate the success of local programs and how local educational agencies will evaluate the progress of their own programs;

"(6) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing programs;

"(7) a description of how the State educational agency will establish a clearinghouse for information on model programs, materials, and other information the State and local educational agencies determine to be appropriate;

"(8) an assurance that the State educational agency will annually provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(9) any other information that the Secretary may require.

"(d) NON-PARTNER LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that was not a partner with the State when the application was submitted may become a partner by submitting an application for partnership to the State educational agency, containing such information that the State educational agency may require.

**"SEC. 8903. EVALUATION AND PROGRAM DEVELOPMENT.**

"(a) REQUIREMENT.—Each State educational agency receiving a grant under this part shall submit to the Secretary a comprehensive evaluation of the program assisted under this part, including the impact on students, teachers, administrators, parents, and others—

"(1) by the mid-term of the program; and

"(2) not later than 1 year after completion of such program.

"(b) CONTRACTS FOR EVALUATION.—Each State educational agency receiving a grant under this part may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating their program and measuring the success of the program toward fostering in students the elements of character listed in section 8904.

"(c) FACTORS.—Factors which may be considered in evaluating the success of the program may include—

"(1) discipline problems;

"(2) students' grades;

"(3) participation in extracurricular activities;

"(4) parental and community involvement;

"(5) faculty and administration involvement; and

"(6) student and staff morale.

"(d) MATERIALS AND PROGRAM DEVELOPMENT.—Local educational agencies, after consulting with the State educational agency, may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for assistance in developing curriculum, materials, teacher training, and other activities related to character education.

**"SEC. 8904. ELEMENTS OF CHARACTER.**

"(a) IN GENERAL.—Applicants desiring funding under this part shall develop character education programs that incorporate the following elements of character:

"(1) Caring.

"(2) Civic virtue and citizenship.

"(3) Justice and fairness.

"(4) Respect.

"(5) Responsibility.

"(6) Trustworthiness.

"(7) Any other elements deemed appropriate by the members of the partnership.

"(b) ADDITIONAL ELEMENTS OF CHARACTER.—A local educational agency participating under this part may, after consultation with schools and communities of such agency, define additional elements of character that the agency determines to be important to the schools and communities of such agency.

**"SEC. 8905. USE OF FUNDS.**

"Of the total funds received by a State educational agency in any fiscal year under this part—

"(1) not more than 30 percent of such funds may be retained by the State educational agency, of which—

"(A) not more than 10 percent of such funds may be used for administrative purposes; and

"(B) the remainder of such funds may be used for—

"(i) collaborative initiatives with local educational agencies;

"(ii) the establishment of the clearinghouse, preparation of materials, teacher training; and

"(iii) other appropriate activities; and

"(2) the remaining of such funds shall be used to award subgrants to local educational agencies, of which—

"(A) not more than 10 percent of such funds may be retained for administrative purposes; and

"(B) the remainder of such funds may be used to—

"(i) award subgrants to schools within the local educational agency; and

"(ii) pursue collaborative efforts with the State educational agency.

**"SEC. 8906. SELECTION OF GRANTEES.**

"(a) CRITERIA.—The Secretary shall select, through peer review, partnerships to receive grants under this part on the basis of the quality of the applications submitted under section 8902, taking into consideration such factors as—

"(1) the quality of the activities proposed by local educational agencies;

"(2) the extent to which the program fosters in students the elements of character;

"(3) the extent of parental, student, and community involvement;

"(4) the number of local educational agencies involved in the effort;

"(5) the quality of the plan for measuring and assessing success; and

"(6) the likelihood that the goals of the program will be realistically achieved.

"(b) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this part in a manner that ensures, to the extent practicable, that programs assisted under this part—

"(1) serve different areas of the Nation, including urban, suburban, and rural areas; and

"(2) serve schools that serve minorities, Native Americans, students of limited-English proficiency, and disadvantaged students.

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## KASSEBAUM AMENDMENT NO. 2415

Mrs. KASSEBAUM proposed an amendment to the bill S. 1513, supra; as follows:

On page 1165, between lines 21 and 22, insert the following:

**SEC. 10607. SCHOOL PRAYER.**

Any State or local education agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order mandating that such local educational agency remedy a violation of the constitutional right of any student with respect to prayer in public schools, in addition to any other judicial remedies, shall be ineligible to receive Federal funds until such time as the local educational agency complies with such order. Funds that are withheld under this section shall not be reimbursed for the period during which the local educational agency was in willful noncompliance.

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## HELMS (AND OTHERS) AMENDMENT NO. 2416

Mr. HELMS (for himself, Mr. LOTT, Mr. THURMOND, and Mr. NICKLES) proposed an amendment to the bill S. 1513, supra; as follows:

At the appropriate place, add the following:

**SEC. . PROHIBITION AGAINST FUNDS FOR PROTECTED PRAYER.**

Notwithstanding any provision of law, 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.

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## DOLE (AND OTHERS) AMENDMENT NO. 2417

Mr. DOLE (for himself, Mr. COATS, Mr. LIEBERMAN, Mr. DANFORTH, Mr. SIMPSON, and Mr. THURMOND) proposed an amendment to the bill S. 1513, supra; as follows:

On page 1296, after line 25, insert the following:

### "TITLE XVII—FIGHT OR FLIGHT: PROTECTING AMERICAN STUDENTS

**"SEC. 1701. SHORT TITLE.**

"This title may be cited as the 'Fight or Flight: Protecting American Students Act of 1994'.

**"SEC. 1702. FINDINGS AND PURPOSE.**

"(a) FINDINGS.—The Congress finds that—

"(1) violence and crime have increased significantly in our Nation's schools;

"(2) it is estimated that 3,000,000 violent acts or thefts occur in or near schools, and that one in five high school students carries a weapon;

"(3) the incidence of violence and criminal activity within elementary and secondary schools threatens the school environment and interferes with the learning process; and

"(4) students have a right to be safe and secure in their persons while attending school.

"(b) PURPOSE.—It is the purpose of this title—

"(1) to provide children from low-income families who attend violence-prone schools with the option of attending safer elementary and secondary schools;

"(2) to improve schools and academic programs by providing certain low-income parents with increased consumer power and dollars to choose safer schools and programs that such parents determine best fit the needs of their children;

"(3) to engage more fully certain low-income parents in their children's schooling;

"(4) through families, to provide at the school site new dollars that teachers and principals may use to help certain children achieve the high educational standards called for by the National Education Goals; and

"(5) to demonstrate, through a competitive discretionary demonstration grant program, the effects of programs that provide certain low-income families with more of the same choices regarding all schools, including public, private, or religious schools, that wealthier families have.

**"SEC. 1703. DEFINITIONS.**

"As used in this title—

"(1) the term 'choice school' means any public or private elementary or secondary school, including a private sectarian school, that is not a violence-prone school;

"(2) the term 'eligible child' means a child in grades 1 through 12 who—

"(A) is eligible for free or reduced price meals under the National School Lunch Act; and

"(B) attended a violence-prone school prior to receiving assistance under this title;

"(3) the term 'State' means each of the 50 States, the District of Columbia and the Commonwealth of Puerto Rico; and

"(4) the term 'violence-prone school' means a school that—

"(A) serves an area in which there is a high rate of—

"(i) homicides committed by persons between the ages 5 to 18, inclusive;

"(ii) referrals of youth to juvenile court;

"(iii) youth under the supervision of the courts;

"(iv) expulsions and suspensions of students from school;

"(v) referrals of youth, for disciplinary reasons, to alternative schools; or

"(vi) victimization of youth by violence, crime, or other forms of abuse; and

"(B) has serious school crime, violence, and discipline problems, as indicated by other appropriate data.

**"SEC. 1704. FUNDING AND RESERVATION.**

"(a) FUNDING.—From amounts appropriated to carry out the Goals 2000: Educate America Act, the Secretary shall make available $30,000,000 for each of the fiscal years 1995 through 1997.

"(b) RESERVATION.—Of the sums made available pursuant to subsection (a) for any fiscal year, the Secretary may reserve not more than $1,500,000 over three years to carry out the national evaluation described in section 1711.

**"SEC. 1705. PROGRAM AUTHORIZED.**

"(a) AUTHORITY.—The Secretary is authorized to make not more than 20 grants nationally, on a competitive basis, to States to enable such States to carry out educational choice demonstration projects in accordance with this title.

"(b) AMOUNT.—The Secretary shall award grants under this title annually, and shall determine the amount of such grants by taking into account the availability of appropriations, the number and quality of applications, and other factors related to the purposes of this title that the Secretary determines are appropriate.

"(c) SUPPLEMENT NOT SUPPLANT.—Grant funds awarded under this title shall be used to supplement and not to supplant State and local funds that would, in the absence of funds under this title, be made available to public elementary and secondary schools for the activities assisted under this title.

**"SEC. 1706. SCHOLARSHIPS.**

"(a) IN GENERAL.—

"(1) USE OF FUNDS FOR SCHOLARSHIPS.—Each State receiving funds under this title shall use such funds to provide scholarships to the parents of eligible children.

"(2) NUMBER.—Each State shall determine the number of scholarships to be awarded in such State.

"(3) AMOUNT.—(A) Subject to subparagraph (B), each State shall determine the amount of each scholarship in such State.

"(B) The amount of a scholarship under this title in a State shall be the same for every site in such State.

"(b) SPECIAL RULE.—Notwithstanding any other provision of law, the amount of scholarship assistance received under this title shall not be deemed to be income of the parents or child for Federal income tax purposes or for purposes of determining eligibility for any other Federal assistance.

"(c) CONTINUATION.—Subject to the limitation paragraph "d" each State receiving funds under this title may provide a scholarship in each year of the State's program to the parents of each eligible child to whom the State provided a scholarship in the previous year of the program, unless—

"(1) the eligible child no longer resides within the area served by a violence-prone school; or

"(2) the eligible child no longer attends an elementary or secondary school.

"(d) SPECIAL RULE.—If the amount of the grant made to a State under this title is not sufficient to provide all of the scholarships to the parents of each eligible child who is served by the State, then the State shall only be required to provide scholarships to parents of the eligible children who are from the lowest income families to the extent that they are funded.

**"SEC. 1707. APPLICATIONS.**

"(a) IN GENERAL.—Each State that desires 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 paragraph (1) shall contain—

"(1) information demonstrating that the State will comply with the other requirements of this title;

"(1)(a) a definition of violence prone school using the parameters set forth in section 1703.

"(2) a description of the procedures to be used to provide scholarships to parents and to enable parents to redeem those scholarships, such as the issuance of checks payable both to parents and to schools; and

"(3) a description of—

"(A) the procedures by which a choice school will make a pro rata refund to the State for any participating eligible child who, before completing 50 percent of the choice school attendance period for which the scholarship was issued—

"(i) is released or expelled from the choice school; or

"(ii) withdraws from the choice school for any reason; or

"(B) another refund policy that addresses special circumstances the State can reasonably anticipate and that the State demonstrates, to the Secretary's satisfaction, adequately protects participating eligible children, in accordance with the purposes of this title,

except that no such refund procedure or policy shall require a choice school to refund any portion of funds received under this title due to a permanent change of residence of a parent of an eligible child for whom scholarship assistance under this title was awarded.

"(c) UPDATING.—Each such application shall be updated annually in such manner as the Secretary may determine necessary to reflect revised conditions.

**"SEC. 1708. USE OF SCHOLARSHIP FUNDS.**

"The Federal portion of any scholarship awarded to the parents of an eligible child under this title shall be used in the following sequence:

"(1) FIRST.—First, for—

"(A) the payment of tuition and fees at a choice school that is selected by the parents of the child for whom the scholarship was provided; and

"(B) the reasonable costs of the eligible child's transportation to the choice school, if—

"(i) the choice school is not the school to which the eligible child would be assigned in the absence of a program assisted under this title; and

"(ii) the parents of an eligible child choose to use the scholarship funds for such transportation.

"(2) SECOND.—Second, if the parents so choose, to obtain supplementary academic services for the eligible child, at a cost of not

more than $500, from any provider chosen by the parents that the State, in accordance with regulations prescribed by the Secretary, determines is capable of providing such services and has an appropriate refund policy.

"(3) THIRD.—Third—

"(A) if the child attends a public choice school, any remaining funds shall be made available to such school to enable such school to conduct educational programs that help students at such school achieve high levels of academic excellence; or

"(B) if the child attends a private choice school, any remaining funds shall be made available to the State to enable the State to award additional scholarships under this title in that year or the succeeding year of the State's program.

**"SEC. 1709. REQUIREMENTS.**

"(a) EFFECT ON OTHER PROGRAMS.—

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

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

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

"(c) INFORMATION.—Notwithstanding section 9 of the National School Lunch Act, a State receiving a grant 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 project under this title. 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) SPECIAL RULES.—

"(1) ASSISTANCE TO FAMILIES NOT INSTITUTIONS.—Scholarships under this title shall be considered to be aid to families, not institutions. A parent's expenditure of scholarship funds at a choice school or for supplementary academic services under this title shall not be construed to be Federal financial aid or assistance to that school or to the provider of those supplementary academic services.

"(2) ANTIDISCRIMINATION PROVISIONS.—

"(A) IN GENERAL.—Notwithstanding the provisions of paragraph (1), in order to receive scholarship funds under this title a choice school or provider of academic services under this title shall comply with the antidiscrimination provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d), section 901 of the Education Amendments of 1972 (20 U.S.C. 1681), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(B) IMPLEMENTING REGULATIONS REQUIRED.—The Secretary shall promulgate regulations to implement the provisions of this paragraph, taking into account the purposes of this title and the nature, variety, and missions of choice schools and providers that may participate in providing services to children under this title.

"(e) CONSIDERATION OF FEDERAL FUNDS PROHIBITED.—No Federal, State, or local agency may, in any fiscal year, take into account Federal funds provided to a State or to the parents of any child under this title in determining whether to provide any other funds from Federal, State, or local resources, or in determining the amount of such assistance, to such State or to the choice school attended by such child.

"(f) STATE LAW.—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 religious or other private institutions, except that no provision of a State constitution or State law shall be construed or applied to prohibit any State from paying the administrative costs of a program under this title or providing any Federal funds received under this title to parents for use at a religious or other private institution.

"(g) SECRETARY.—Nothing in this title shall be construed to authorize the Secretary to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school participating in a program assisted under this title.

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

**"SEC. 1710. PARENTAL NOTIFICATION.**

"Each State receiving a grant 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 project;

"(2) describe the eligibility requirements for participation;

"(3) describe the information needed to establish a child's eligibility for participation in the demonstration project;

"(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 a list of violence-prone schools located in the State; and

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

**"SEC. 1711. EVALUATION.**

"From funds reserved under section ___02(b), the Secretary shall conduct a national evaluation of the activities assisted under this title. Such evaluation shall, at a minimum—

"(1) assess the implementation of projects assisted under this title and such projects' effect on the participants, schools, and communities served under this title, including the degree of parental involvement in, and satisfaction with, the project and their children's education; and

"(2)(A) evaluate the educational achievement of eligible children who participate in the projects assisted under this title, during the periods—

"(i) before the provision of scholarship assistance under this title;

"(ii) during such provision; and

"(iii) after such provision; and

"(B) compare such achievement with such achievement, during comparable periods, of similar children who do not so participate.

**"SEC. 1712. REPORTS.**

"(a) REPORT BY GRANT RECIPIENT.—Each State receiving a grant 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 demonstration projects assisted under this title, including information submitted by each State receiving a grant under this title 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 1711 within 9 months after the conclusion of the demonstration projects assisted under this title.

**"SEC. 1713. ENFORCEMENT.**

"(a) REGULATIONS.—The Secretary shall promulgate regulations to enforce the provisions of this title.

"(b) PRIVATE CAUSE OF ACTION PROHIBITED.—No provision or requirement of this title shall be enforced through a private cause of action.".

## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON WATER AND POWER AND COMMITTEE ON INDIAN AFFAIRS

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public a change in a hearing scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs.

In addition to receiving testimony on S. 2259 and S. 2236, the subcommittee will also receive testimony on S. 2319, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

The hearing will take place on Thursday, August 4, 1994 at 2 p.m. in room 366 of the Dirksen Senate Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement for the printed hearing record is welcome to do so. Please send your comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at 202-224-4531 or Leslie Palmer at 202-224-6836.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 27, 1994, at 3 p.m. in executive session, to discuss matters

related to the conference with the House on the fiscal year 1995 National Defense Authorization Act and to discuss certain pending military nominations.

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

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, July 27, 1994, at 10 a.m., to continue considering its recommendations for legislation to implement the Uruguay round of multilateral trade negotiations.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, July 27, at 10 a.m. to hold a nomination hearing on Ralph Earle, II, of the District of Columbia, to be Deputy Director of the U.S. Arms Control and Disarmanent Agency.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, July 27, at 2:30 p.m. to receive a closed briefing on the status of Negotiations on Bosnia.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Wednesday, July 27, 1994, at 9:30 a.m. for a hearing on the subject: "Drug Pricing: Poor Prescription for Consumers and Taxpayers?"

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

COMMITTEE ON SMALL BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, July 27, 1994. The Committee will hold a full committee hearing on the implementation of Public Law 100-656, the "Business Opportunity Reform Act of 1988" and the final report of the Commission on Minority Business Development.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., July 27, 1994, to receive testimony on the following bills: S. 2253, to modify the mountain park project in Oklahoma, and for other purposes; S. 2262, to amend the Elwha River Ecosystem and Fisheries Restoration Act, and S. 2266, to amend the Recreation Management Act of 1992.

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

## ADDITIONAL STATEMENTS

### STARS OF ENERGY EFFICIENCY

• Mr. BINGAMAN. Mr. President, on June 15, 1994, the Alliance to Save Energy, a bipartisan coalition of Government, environmental, and business leaders that I chair and that Senator JEFFORDS and Congressman SHARP cochair, presented its annual awards to three "Stars of Energy Efficiency," Pacific Gas and Electric Co. received the 1994 Energy Efficiency Award for two decades of leadership in energy efficiency programs. Our colleague Representative PHILIP SHARP of Indiana, chairman of the House Energy and Power Subcommittee, received the award for his career-long commitment to energy efficiency, which culminated in his successful effort to make energy efficiency the cornerstone of the Energy Policy Act of 1992.

The Alliance presented its final award to Maurice Strong, chairman and CEO of Ontario Hydro, for his many years of pioneering effort to ensure that energy efficiency would be a key part of global energy and environmental activities. Among his many other accomplishments, Mr. Strong served as Secretary-General of the U.N. Conference on Environment and Development—the Earth summit—in Rio de Janeiro in 1992, which placed energy efficiency at the forefront of a global effort to reverse environmental degradation and promote sustainable development.

In accepting this prestigious and important award, Mr. Strong clearly profiled the challenges facing the global economy and environment. I would like to share Mr. Strong's enlightening remarks with my colleagues.

The remarks follow:

ENERGY AND THE ENVIRONMENT

(By Maurice F. Strong)

Thank you very much, Katie. And profound thanks also to the Alliance to Save Energy. I am deeply moved by, and grateful for, your high compliment in awarding me one of this year's Energy Efficiency Awards—all the more so because I share this year's honors with such distinguished company as Rep. Sharp of Indiana and the Pacific Gas and Electric Company.

May I also pay tribute to Senators Charles Percy, Tim Wirth and Jeff Bingaman, who were among the earliest to recognize the vital need for energy efficiency, and who have done so much to make this Alliance such a powerful influence in the business sector of this country. Finally, I would like to recognize Bill Nitze, a great champion of sustainable development and mainstay of this organization.

Indeed, I see many familiar faces here tonight, and I would like to single them all out. Instead, let me just say that I accept this distinguished award as a tribute to them, and all the others with whom I have had a privilege of working on behalf of the Earth's environment over the years.

I am sure that most of these old friends will vouch for me when I say that I am not one of those somewhat dubious prophets who hang around street corners with a sign reading "The End Is Nigh." If I truly believed that, I wouldn't waste your time and my breath here tonight. I'd probably be out near a lake somewhere, enjoying what was left of nature.

But I DO believe that humankind is at one of the most critical cross-roads in its history. And I DO believe that time is running out for us all to make some very fundamental changes in the way in which we conduct outselves—in particular, the ways in which we use the Earth's resources—and most notably, its energy resources.

I am not alone in this belief. Nor have the threats I speak of only recently come to light. Let me quote a famous stateman on the subject:

"To waste and destroy our natural resources—to skin and exhaust the land instead of using it so as to increase its usefulness—will result in undermining for our children the very prosperity which we ought by right to hand down to them amplified and developed."

Now, that statesman was Theodore Roosevelt. And his warning—just as timely today—was given a century ago. He was talking about the need—and indeed the duty—of the industrialized world to embrace policies of sustainable economic development—many, many decades before the term itself was invented.

The world's population in his day was about one and a half billion. It is now more than 5 billion, and in the two decades alone the number of people on this planet has increased by an amount equal to the total in Teddy's Roosevelt's time. Last year the net increase in our numbers was 90 million. We are adding the equivalent of one New York City to the Earth every month.

There is now overwhelming evidence that the industrialized world cannot continue in its historical patterns of production and consumption—that it cannot forge ahead indefinitely on the path of profligacy in its use of the Earth's resources—either for its own sake or for the sake of the myriad others who have not yet experienced the luxury of waste.

This realization prompted the United Nations General Assembly to convene the Conference on Environment and Development, the Earth Summit of Rio de Janeiro, in June of 1992. Studies undertake for UNCED made clear not only that the ecological consequences of our economic behavior were worsening, but also that rich/poor disparities within and between nations were deepening.

Last fall, the report of the World Energy Council's Commission on Engery for Tomorrow's World supplied more evidence. Among the important points it made was that energy issues will shift from the industrialized to the developing world within the next three decades, and that the latter's proportion of world-wide energy consumption will rise to 55 percent from 33 percent in the same period. Among the many severe challenges identified was the requirement for investment of about $30 trillion (US) in the expansion of existing energy systems and technologies by the year 2020—50 percent more

than the current total world GDP! What's more, "Energy for Tomorrow's World" not only maintained that the target of stabilizing global anthropogenic CO2 emissions at the 1990 level by the year 2020 is virtually unattainable, but says there is a strong possibility that atmospheric CO2 concentrations will continue to rise "for many decades to come."

But there is also evidence that circumstances are beginning to bring about changes in energy consumption patterns, even without a grand strategy or concerted conservation policies.

In a book called "Vital Signs 1993," Lester Brown describes the 1990s as the "decade of discontinuity." It is an era, he says, in which long-standing upward growth curves for production of such key economic commodities as grain, steel and coal have suddenly reversed.

World coal production, which had risen annually and almost without interruption since the beginning of the Industrial Revolution, declined in 1990—then again in 1991 and 1992. World oil output peaked even earlier—in 1979. Only the relatively clean-burning natural gas is expanding in production.

These reversals in historical trends may well be temporary and result from environmental constraints in industrialized countries. Intolerable air pollution in such cities as Los Angeles, Mexico City and some European centers has put a brake on the unrestrained growth of automobile use. Acid rain, health concerns, and the more recently acknowledged threat to the ozone layer, have curtailed the world's use of coal. But the fossil fuel era is far from over. Coal may not be the fuel of choice, but it is still the fuel most likely to be used in countries like China and India, which have rapidly growing energy needs and extensive coal reserves.

It is true that a growing environmental consciousness in recent years has produced discernible improvements throughout the industrialized world in what I call the "close-in" problems. Toxic emissions to air, land and water have in many cases been reduced, and important changes in manufacturing processes have reduced raw materials and energy use per unit of production.

With the coming into force of the Climate Change Convention, and the Biodiversity Convention approved at Rio, we have taken some important first steps to come to grips with two of the most threatening and intractable global risks. But they are only first steps. Indeed, there is a danger that the process of negotiating the protocols required to give real substance and "bite" to these framework conventions will now lag. It must not be allowed to do so.

Moreover, too little attention has been given to the area of environment-development relationships in the policies and practices of governments and industries. The growing awareness and concern over the past two decades has been accompanied by the establishment of environmental ministries and agencies by virtually all governments, and this has of course produced a proliferation of regulations. But these activities have not typically been linked to, and have had little effect on, national economic policies or the fundamental policies and practices of the major sectoral industries that are the principal sources of environmental impacts. Regulation is necessary, but experience has shown that its effects can be limited, and even sometimes counter-productive, if it is not accompanied by changes in fiscal policies and provide positive incentives for environmentally sound and sustainable development.

We are still approaching the problem, to too great an extent, from the wrong end. Last year, a paper from Arthur D. Little's Centre for Environmental Assurance said that industry in North America and Europe is spending more than $150 billion per year on pollution abatement and control—the so-called "end-of-the-pipe" remedies—and that this figure will likely double by the end of the century. Despite these enormous outlays, companies are still not meeting society's demands. In other words, we have been busy applied very expensive Band-aids to our industrial infrastructure while the environment, the natural resources, and the health and welfare of human beings in much of the developing countries have been hemorrhaging.

The prospect of a massive increase in Third World energy consumption over the next 30 years boldly underlines a point I have been making since before Rio. That is that the industrialized world must reduce its environmental impacts in order to leave "space" for developing countries to begin to fulfill their own development needs and aspirations. The Earth simply cannot sustain another traumatic round of undisciplined growth, a repeat of the unthinking exploitation that marked the first industrial revolution—and which, to an alarming extent, continues.

A crucially important priority—which makes as much sense economically as it does environmentally—is energy efficiency. PG&E, the Sacramento Municipal Utility District under David Freeman, and the New England Electric System under John Rowe, have been pioneers in recognizing that those of us in the energy industries—and in particular the electrical utility sector—have an enormous potential in helping our customers cut their energy use—and thereby cut their costs and increase their competitiveness. The Electric Power Research Institute in the United States has estimated that electricity use in that country could be reduced by as much as 55 percent through cost-effective measures. Others think that is a conservative estimate. While most electric utilities today have some sort of demand management program in place, I believe we are still just on the threshold of potential savings.

There is a similar potential in the transportation field—particularly in the United States and Canada, which account for more than a third of the world's private cars. A study for the National Academy of Sciences in the U.S. judged that straightforward technological improvements—using existing light-weight materials, for example—could make vehicles 50 percent more efficient, and save about two million barrels of oil per day. That saving is more than the U.S. imports from the Persian Gulf. On this front, it was very encouraging to learn of President Clinton's recent initiative on light-weight cars, but this too can only be viewed as a modest step in the right direction.

What is needed, as the Business Council on Sustainable Development advocated to the Earth Summit, is a decisive change of course. As Ed Woolard, the CEO of DuPont and 60 other Chief Executive Officers of some of the world's leading corporations said in their contribution to our Earth Summit preparations, "The present industrial civilization is simply not viable." It's simply not viable.

Now those aren't wild-eyed environmentalists or placard-wavers, any more than I am. Those are some of the most astute and experienced business leaders of our times.

As I have said, fossil fuels will be with us for a long time yet. We are admittedly undergoing changes in our fuel mix, but it is still a very traditional mix. The World Energy Council predicts that by the year 2020, our two countries will be using 21 percent less coal, but only two percent less oil. And these reductions will be all but offset by a forecast 21 percent increase in our use of natural gas. Viewed in isolation, this would seem to augur for somewhat cleaner air. But in the same period, developing countries on the Pacific Rim, South Asia, Africa, the Middle East and Latin America will increase their coal consumption by factors of up to two-and-one-half times—resulting in a net global increase in coalburning of 31 percent. Blue skies and reduced greenhouse gas emissions are not yet in prospect, at least worldwide.

The period ahead will continue to be characterized by pressures to reduce the role of coal and oil, but in fact it will take quite some time to do this. And while natural gas is emerging as the fuel of choice within the fossil fuel complex, this can only be regarded as a transitional adjustment rather than a permanent solution. Even with the adjustments I have mentioned, we have still not got anything like a viable, environmentally sound, economically feasible energy mix on which we can rely for our energy future.

An essential second step is to reflect in our energy prices the full external costs of producing it. As long as our energy prices remain at current low levels—particularly in North America, and even more particularly in the United States—there is little incentive to develop alternatives to our dependence on either fossil fuels or on nuclear energy. Energy prices still tend to be pegged to oil prices, and low prices—coupled, in the United States, with low taxes on gasoline—provide no short-term encouragement to conserve. Ultimately, we will need higher prices, and this would occur if they reflected their true total cost—not only the costs of capital, exploration, development, production and delivery—but also the environmental costs incurred in each of these stages.

I am pleased to say that my own company, Ontario Hydro, is in the process of adopting full cost accounting as a guide to its decision making. While we will not be able unilaterally to incorporate full environmental costs into our rate structure, we hope that our example will help to accelerate the process of full cost accounting by society as a whole.

The third step—and I do not mean to imply that these steps are sequential, or that one need be completed before another is undertaken—the third step is a fundamental revision in the system of incentives and penalties by which governments motivate the conduct of citizens and corporations. In general terms, this means providing positive incentives for environmentally sound and sustainable practices, products and services, together with penalties as a deterrent to unsound behavior. This also needs to be accompanied by full cost accounting at the national accounting level as well as business levels. It is, after all, fully consistent with the principles of market economics that the price of all products and transactions should incorporate their full real cost.

And, speaking of consistency, one of the more intractable myths surrounding this whole matter of sustainable development is that energy efficiency costs more than it's worth, and that conservation is somehow a recipe for slow growth or no growth. The experience of industrialized countries, notably Japan, has demonstrated that environmental improvement and efficiency in the use of energy and resources is fully compatible with,

and indeed contributes to, good economic performance.

As Katie McGinty said, a healthy economy and a healthy environment go hand-in-hand. I am encouraged to note that the Alliance has joined with the U.S. Agency for International Development to promote energy efficiency in Europe and Mexico as part of the Sustainable Cities Project. I see great promise, too, in the Alliance's collaboration with other energy NGOs to help the Department of Energy promote exports of energy-efficient products and services.

Energy is the fulcrum of the relationship between the environment and the economy. Virtually every environmental issue—from a local dump site to the deterioration of the global climate—has an energy component. This gives those of us in the energy industry a special responsibility to lead the process of transition to sustainable economy. And I might add that for me and my fellow Canadians, that responsibility is heightened by the fact that we are the most energy self-indulgent nation in the world, even allowing for the vastness of our geography and our cold climate.

Every sector of the North American economy is faced with the need to effect a massive restructuring to ensure that we can continue to compete in an increasingly competitive and interdependent, global economy. Our own company had undergone a massive restructuring, cost-reduction program as the first step in reshaping the organization to live up to the new corporate goal which Katie McGinty mentioned. It's an ambitious goal—yes. Some might even say pretentious. But we deliberately wanted to set a high standard for our own performance—and perhaps even to throw down a gauntlet to other utilities and other energy players in other jurisdictions.

I might just say here that we at Ontario Hydro recognized the leadership role of PG&E a year before the Alliance. We did this just over a year ago by hiring its former Manager of Energy Efficiency Services, John Fox. He is Managing Director of our Energy Services and Environment Group, the Hydro branch that will play the key role in helping us to achieve our efficiency objectives. I am happy to note also that John is a director of this Alliance.

We have recently received the report of an internal Task Force on Sustainable Energy Development, with a series of recommendations responding to the global Agenda 21 adopted by governments at last year's Earth Summit in Rio de Janeiro. We are determined to make Ontario Hydro, as the largest company in Ontario and a major factor in the Ontario economy, a much more active and positive force for revitalizing the economy, helping to make it more competitive and setting the primary example of sustainable energy development. Energy efficiency is our highest priority. And our first challenge is to set an example ourselves.

It's amazing what you discover when you change your perspective. Our Sustainable Energy Development Task Force pointed out that Ontario Hydro is its own best and worst customer. Best because we use in our system 50 per cent more electricity than the entire City of Toronto. Worst because we didn't pay for it. It was treated as a free good in our own internal economy. That might have made good sense at one time but no more! We are changing that—charging our own business units on the same basis that we charge our customers. This way we expect to get more energy efficiency and better business decisions.

And the stakes are high. We estimate that we can save at least 800 megawatts just by using energy more efficiently within the corporation. It is like finding another Niagara Falls we didn't know we had. And not only do we NOT have to build a generating station to get the power—we hope to produce additional savings, or revenue, of some half-a-billion dollars per year.

I am sure that all of the organizations that many of you represent could find, to varying degrees, similar savings, and that some of you are already doing this. We have been working with our own customers to help them to use our product more efficiently, and many of them have offset rate increases to a significant degree by becoming more efficient in their use of energy. And what better example could the energy sector set for the nations in which they operate, and for the world as a whole, than for each company to commit itself to a process of self-examination and development of its own Agenda 21 while at the same time encouraging and working with its customers to improve their energy efficiency.

While this may seem counter-productive to companies, like our own, which have substantial surpluses of capacity and declining revenue, I maintain that it still makes sound economic sense. If our economy is to be competitive, our customers must be competitive and energy efficiency will make an important, and in some cases decisive contribution to their competitiveness. Helping them to become more competitive through energy efficiency may reduce their purchases from us in the short term, but will make them sounder, more secure customers in the longer term, provide an incentive for them to expand and, at the same time, help to put our own economies on a more sound, more sustainable basis.

This will not be easy; nor does it seem timely when the pressure of recession and competition are most acute. But I believe that these changes are imperative in both economic and environmental terms and that this period of change is precisely the right time to effect these changes. Waiting until what may seem a more propitious moment would, in my view, exact heavy costs, both in terms of our own organizations and our economies as a whole.

The dilemma facing the energy industry illustrates graphically the main theme of the Earth Summit and the principal challenge we all confront in giving effect to its conclusions—the need for fundamental changes in our economic life through a full integration of the environmental dimension in economic policies, decision making and behaviour.

In the final analysis, the role of industry in effecting this transition will be pivotal. The Business Council on Sustainable Development made it clear in its report to the Earth Summit that eco-efficiency is the key to the new generation of industrial opportunity—efficiency in the use of energy and resources, and in the prevention, disposal and re-cycling of waste.

The economic growth of developing countries, if it proceeds in the traditional mode, will soon overtake industrialized countries as the principal source of global environmental impacts. An already discernible shift in the focus of energy production and energy markets to the developing world underlines this perilous potential. These developments would increase risks to dangerous levels the word community cannot afford to accept. Yet the right of developing countries to grow cannot be denied; nor can it be constrained by conditions unilaterally imposed by the industrialized countries.

We must lighten our demands on the Earth's resources, and reduce our impacts on Earth's environment. This will require basic changes in current patterns of production and consumption and a transition to an efficiency-driven, eco-industrial economy, based on much greater efficiency in the use of energy and materials as well as in the prevention, disposal and recycling of waste. It must be accompanied by expanded support for developing countries in effecting their transition to sustainable modes of development and to increased access to financial resources, technology, and the international trading system that this will entail.

This new eco-industrial economy really implies a new industrial revolution—not some comprehensive patching-up of our old political and economic systems. Today's world cannot be re-tooled with yesterday's blue-prints. Today's problems cannot be solved with yesterday's conventional wisdom.

Is there, then, any basis for confidence that we can rise to the challenge? Despite the persuasive case for pessimism, I remain convinced that we can do it. The reason is that we must do it or civilization will degenerate into chaos, conflict and continued degradation of the environment. Pessimism would be self-fulfilling. As long as there is the slightest chance that we can make the transition to a more secure and sustainable way of life on our planet, we must continue to strive for it.

Throughout history, nations have demonstrated their willingness to devote the resources, establish the alliances and make the sacrifices required to confront risks to their security. Today the people and nations of the world are joined as never before in facing the greatest ever threat to their common security—the threat to the capacity of our planet to sustain life as we know it and the accompanying risks of economic, political and social breakdown. Only by forging a new global alliance, embracing north, south, east, west, rich and poor, can this challenge be met effectively. The agreements reached at the Earth Summit—the Declaration of Rio and Agenda 21—provide the foundations for the launching of this new alliance.

But in the final analysis, it is only through our practical actions and the examples we set in our lives as businessmen, community leaders and citizens that our hopes for a more secure, sustainable future will be realized.•

## TRIBUTE TO DAVID JONES

• Mr. McCONNELL. Mr. President, I rise today to recognize a brilliant Kentucky businessman. David A. Jones is the chairman and chief executive officer of the Louisville-based Humana, Inc., and the chairman of the Healthcare Leadership Council.

David A. Jones is a Yale-educated lawyer who started out practicing law in Louisville, KY. He became involved in healthcare in 1961 when a friend told him about making some extra money by investing in a nursing home. He decided to give it a try and what started out as a bit of extra money became his career. The nursing home venture grew into Humana, Inc., the Nation's largest publicly traded health maintenance organization [HMO].

The Healthcare Leadership Council is a nationwide coalition of a variety of

parties interested in healthcare reform. It includes leaders from hospitals; insurance, pharmaceutical, and medical equipment companies; and doctors and nurses. Since it was begun in the late 1980's, the council has worked to find solutions to the healthcare problems that we face today and has come up with variety of possibilities.

In a recent column for the Louisville Courier-Journal, David Jones outlines the ideas that he has come up with. As we prepare to begin debating healthcare reform next week, I believe that every Member of this body could benefit from a thorough review of this article. Please enter the following article from the Courier-Journal into the RECORD.

The article follows:

REFORMING HEALTH CARE

HUMANA CHIEF OFFERS HIS PROPOSALS FOR CHANGE

(By David A. Jones)

The writer is chairman and chief executive officer of Humana Inc., the Louisville-based corporation which is the nation's largest publicly-traded Health Maintenance Organization (HMO).

Health care reform is today a major domestic political issue. The status quo is without a serious defender. That's as it should be. The time has come for fundamental change.

Democrats and Republicans agree that we have serious problems of (a) rising costs; (b) access, especially by an estimated 37 million uninsured Americans; and (c) anxiety on the part of many workers that they might become uninsured if they lose their job, or change their job after they or a family member become ill.

But there is some disagreement on what needs to be done to solve the agreed-upon problems.

This [article] contributes to the debate in three critical ways: It identifies the problems; suggests solutions; and, more important, describes a reasonable way to pay for the solutions.

Actual and potential problems of access to affordable health care are the visible symptom of the underlying problem, which is rapidly rising costs. If costs were lower, and more easily affordable, we could readily expand coverage to cure the access problem.

All of us, providers and consumers alike, will have to alter our behavior to a greater or lesser extent if the cost crisis is to be mastered.

It is now possible to identify the well-intentioned policy choices of the past, whose now visible flaws have led to the present cost crisis.

Happily, the root causes of our excess cost increases—increases greater than those experienced by competing industrialized nations—are both crystal clear and readily correctable, if we can summon the political will to act.

But that won't be easy, because every dollar of cost in our system is someone else's dollar of revenue, fiercely protected.

These root causes are two simple, connected historical events. No congressional votes were taken, and participants did not even realize that they were making policy choices of great magnitude.

The first event occurred in World War II, when wages were frozen by the Office of Price Stabilization. Labor-short firms began offering health insurance as a fringe benefit not prohibited by the wage freeze.

The second event occurred just after WW II, when the Internal Revenue Service ruled that such employer-provided health insurance would, without limit, be free of federal income and Social Security tax.

Thus, it is pure accident that most of us receive our health insurance through employment, and stand to lose it if we lose or change our jobs. Our other insurance, such as life, homeowners, and automobile, are totally unaffected by such change.

Such policy is as irrational as it is accidental. It's really policy by default—leading to enormous "hidden" cost burdens within our health care system.

The tax subsidy created by the IRS ruling largely benefits the well-to-do, and amounted to about $75 billion in 1991 ($66.6 billion federal and $8.3 billion state), and the federal portion is now estimated at about $92 billion for 1993. This is about six times the estimated cost to provide Medicaid coverage to the approximately 12 million Americans who live below the poverty line, but are still not covered by Medicaid. Moreover, 26 percent of this tax subsidy goes to families with annual incomes in excess of $75,000, while only 6 percent goes to those with incomes under $20,000, so it is deeply regressive.

And this gigantic subsidy disguises, by seeming to minimize, the actual cost of health care services, thereby artificially and greatly stimulating demand.

The third-party payment system created by employer-paid health insurance coverage is an even larger stimulator of demand and excess cost. When a patient and a health care provider negotiate, neither is concerned with costs, which are to be paid by some vague third party—perhaps an employer, an insurance company, or government. So they concentrate only on benefits.

The provider is thus often able to define quantity and price of chosen services, while the patient, filled with anxiety and lacking experties, normally accepts the provider's recommendation.

Interestingly, the patient is largely unaware that proffered services, for example, diagnostic imaging, may actually be owned by the referring provider. In that case, as reported in the Dec. 6, 1990, New England Journal of Medicine, the cost of such "captive" imaging services is 4.4 to 7.5 times greater than if the referral is to a neutral, nonowned site.

Thus, to recapitulate, these two factors constitute the basic, root causes of the excess costs of our health care system:

1. A third-party payment system which allows interested providers to define the scope, price and source of recommended services to an anxious, dependent, somewhat unknowledgeable patient at the expense of an unrepresented third party.

2. And a $75 billion tax subsidy which stimulates excess demand by seemingly lowering health care prices.

Armed with this knowledge, and several simple but critical reforms, we can formulate a strategy to make affordable health insurance available to the three main groups now lacking such coverage. They are:

1. Middle-class Americans who work for themselves or in a small group where someone has a family member with a pre-existing medical condition, which prevents their purchase of reasonably priced health insurance.

These individuals can usually afford to pay for an average-priced policy, but when coverage is available at all, it costs $500 to $1,000 more per person per month.

The solution to this problem, with which most Members of Congress agree (and which a number of States have already embraced), is insurance reform, which requires: (A) Guaranteed issue, but with a six-month waiting period for pre-existing conditions. Otherwise, no one would buy insurance until after becoming ill. (B) Guaranteed renewal, (C) Portability. (D) No underwriting based on health or employment status.

In addition to these long overdue insurance reforms, there is a need to create a vehicle that enables individuals and small groups to join together in groups large enough to attract highly competitive bids from many insurers.

Voluntary purchasing cooperatives, whose functions are limited to obtaining and distributing information on price and quality, and the matching of buyers and sellers, admirably fill the role of enabling individuals and small groups to buy at the same price as large groups.

2. The poor and near-poor—even with insurance reform and purchasing co-ops to help make insurance affordable, there are among us many who simply can't afford the premiums.

For those who live below the poverty line, yet are not covered by Medicaid, a full subsidy will be needed. Income-based, sliding-scale subsidies will also be needed for the near-poor, perhaps up to 200 percent or 250 percent of the poverty level.

While all agree that our most disadvantaged citizens need access to primary and preventive services, rather than having to depend on expensive and overcrowded emergency rooms, there is little agreement on how to pay for such benefits, which are likely to be phased in over several years to ease the pain of needed taxes.

3. Healthy, non-poor employees who do not have health insurance.

The earlier-mentioned voluntary purchasing co-ops will enable these individuals to choose among many plans and to buy at good prices.

Tax laws must be amended, however, so that individual purchasers of health insurance, who now receive only 25 percent deductibility, receive the same tax subsidy as do employees.

The federal Medicare program and the joint federal-state Medicaid program are the two largest contributors to the growth of the federal deficit, and thus primarily responsible for our inability to expand coverage to the poor and near-poor.

President Clinton's plan and most congressional plans contemplate the mainstreaming of Medicaid by allowing and requiring beneficiaries to purchase private coverage through cooperatives. Since the Medicaid program is far more expensive than private coverage, significant savings are likely and, if achieved, can be used to expand the number of poor people covered.

Moreover, there will be greatly enhanced dignity for beneficiaries, who will receive their care from the same doctors and hospitals used by working Americans.

Medicare, an even larger contributor to the growth of budget deficits, has been exempted from the market-based reforms of the Clinton plan, because of the feared political clout of these beneficiaries.

However, no meaningful cost containment can occur unless and until Medicare beneficiaries are allowed and required to select among many competitive bids for covered services, and to pay the extra cost if they select a more expensive plan.

The insurance companies and managed care plans that submit bids serve as surrogate purchasers of health care services for

consumers and provide the necessary counterweight to the third-party payment system, which is largely responsible for excess costs in our system.

Let me offer a simple example. No one of us can negotiate individually with Merck over the price of a prescription, but large systems like Kaiser, Humana and The Harvard Community Health Plan can and do negotiate substantial discounts, which result in lower competitive bids.

A third significant cost generator is our medical malpractice-tort system, which turns unfortunate medical outcomes into a high stakes lottery. Fear of malpractice litigation explains and legitimizes significant, expensive overuse of medical resources. Reform, along the lines enacted years ago in Indiana, is needed throughout the country.

In conclusion, I offer a simple and effective, if controversial way to help pay for coverage of the poor and near-poor, while minimizing incentives for overconsumption of health care services for all.

Tax subsidies should be limited to the average price of several of the most popular health plans within a region. Anyone choosing to spend more on coverage would be free to do so, but no tax deductibility or subsidy would be allowed for the excess cost.

This will reduce the overall tax subsidy, thereby providing significant funds for income-based subsidies, which will help the poor and near-poor gain access to coverage while preserving a full tax subsidy for all who choose to purchase cost-effective health plans.●

## APPOINTMENT OF CONFEREES—S. 2182

The PRESIDING OFFICER. The Senate having received a message from the House insisting on its amendment to S. 2182, and requesting a conference thereon, under the order of July 1, 1994, the Senate agrees to the request for conference and the Chair appoints the following conferees.

The Presiding Officer (Mrs. BOXER) appointed Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. SHELBY, Mr. BYRD, Mr. GRAHAM, Mr. ROBB, Mr. LIEBERMAN, Mr. BRYAN, Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. LOTT, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mr. FAIRCLOTH, and Mrs. HUTCHISON conferees on the part of the Senate.

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

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

## ORDERS FOR TOMORROW

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. Thursday, July 28; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business, not to extend beyond 10:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized in the order listed, if present and for the time limits specified: Senator GRAHAM for up to 30 minutes; Senator KERREY for up to 30 minutes; Senator GORTON for up to 30 minutes; and Senator GRAMM of Texas, and Senator LEAHY of Vermont, for up to 10 minutes each; that at 10:30 a.m. the Senate resume consideration of S. 1513; further, that on Thursday, the Senate stand in recess from 12 noon until 3 p.m. for the memorial service of the late Hugh Scott, former minority leader of the U.S. Senate.

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

## RECESS UNTIL TOMORROW AT 8:30 A.M.

Mr. FORD. Madam 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 8:51 p.m., recessed until Thursday, July 28, 1994, at 8:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 27, 1994:

### DEPARTMENT OF STATE

DAVID GEORGE NEWTON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

### DEPARTMENT OF TRANSPORTATION

ANTHONY S. EARL, OF WISCONSIN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION, VICE RANDOLPH J. AGLEY, RESIGNED.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

GARY NILES KIMBLE, OF MONTANA, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (NEW POSITION.)

### IN THE COAST GUARD

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADE OF LIEUTENANT (JUNIOR GRADE):

MARK L. EVERETT EUILL W. LONG III

### FOREIGN SERVICES

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF STATE

JOSEPH HUGGINS, OF THE DISTRICT OF COLUMBIA.

#### DEPARTMENT OF COMMERCE

MAXIMILIAN OLLENDORFF, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF COMMERCE

STEWART BALLARD, OF VIRGINIA
EDWARD CANNON, OF FLORIDA
IRA KASOFF, OF CALIFORNIA
RICHARD LENAHAN, OF OREGON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF COMMERCE

KEITH CURTIS, OF VIRGINIA
RICHARD ROTHMAN, OF NEW HAMPSHIRE
AMERICO TADEU, OF MARYLAND
ANDREW WYLEGALA, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF STATE

BRIAN C. AGGELER, OF THE DISTRICT OF COLUMBIA
SUSAN M. BALL, OF FLORIDA
KRISTEN F. BAUER, OF MASSACHUSETTS
RENE LOUIS BEBEAU, OF VIRGINIA
JOHN KYLE BOICE, OF TEXAS
JENNIFER V. BONNER, OF NEW YORK
BARBARA FOULKE CATES, OF MARYLAND
JUNE ELLEN COCHRAN, OF VIRGINIA
KAREN B. DECKER, OF VIRGINIA
JOHN MICHAEL DESMOND, OF COLORADO
KATHLEEN ANN DOHERTY, OF NEW YORK
FELIX ANDREW DOWDY, OF TENNESSEE
DOUGLAS KENT ELLRICH, OF FLORIDA
DALE BLAINE EPPLER, OF WYOMING
JOHN ERATH, OF NEW JERSEY
JOHN D. FEELEY, OF NEW YORK
NINA MARIA FITE, OF PENNSYLVANIA
LISA A. GAMBLE, OF LOUISIANA
BENJAMIN ANDRES GARCIA, OF NEW JERSEY
ROBERT S. GILCHRIST, OF FLORIDA
ERIC F. GREEN, OF MINNESOTA
KRISTIN MARIA HAGERSTROM, OF CALIFORNIA
HENRY HARRISON HAND, OF NEW YORK
WALLIS SPENCER HAYNES, OF VIRGINIA
JEFFREY M. HOVENIER, OF MARYLAND
MARTHA A. HUSTED, OF CALIFORNIA
MELISSA J. KEHOE, OF WASHINGTON
CHRISTOPHER MILES KRAFFT, OF VIRGINIA
DANIEL J. LAWTON, OF NEW YORK
BRUCE J. LEVINE, OF NEW YORK
PATRICIA ALICE MAHONEY, OF TEXAS
DANIEL LINAN MARTINEZ, OF TEXAS
JONATHAN MICHAEL MOORE, OF ILLINOIS
CHRISTOPHER MICHAEL O'CONNOR, OF FLORIDA
E. CANDACE PUTNAM, OF VIRGINIA
AVRAHAM RABBY, OF NEW YORK
DAVID HUGH RANK, OF ILLINOIS
MARK DOUGLAS SCHALL, OF ARIZONA
SUSAN MARIE SCHMIDT, OF CALIFORNIA
M. HANSCOM SMITH, OF MAINE
MICHAEL G. SNOWDEN, OF CALIFORNIA
DANIEL EMERSON TURNBULL, OF FLORIDA
LISA ANNETTE VICKERS, OF CALIFORNIA
WILLIAM C. WALKER, OF CALIFORNIA

#### DEPARTMENT OF COMMERCE

BRIAN BRISSON, OF THE DISTRICT OF COLUMBIA

#### UNITED STATES INFORMATION AGENCY

AMY M. BLISS, OF COLORADO
KATHLEEN JOANNE BRAHNEY, OF VIRGINIA
MARY ELLEN COUNTRYMAN, OF WASHINGTON
PETER ALFRED EISENHAUER, OF WISCONSIN
IN-MI KIM GOSNELL, OF VIRGINIA
LAURA MARLENE GOULD, OF FLORIDA
ALYSON LYNN GRUNDER, OF NEW YORK
ELIZABETH KAY WEBB MAYFIELD, OF TEXAS
PAUL LEONARD OGLESBY, JR., OF ILLINOIS
TAMARA PARSONS PITMAN, OF WASHINGTON
CORINNE E. SMITH, OF NEW YORK
JAMES ALAN WARREN, OF CALIFORNIA
TERRY JOHN WHITE, OF OREGON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MILLARD W. ARNOLD, OF CONNECTICUT
JOSEPH E. ARONHIME, OF VIRGINIA
CHRISTOPER T. BAKER, OF VIRGINIA
WILLIAM E. BAKER, OF VIRGINIA
THOMAS M. BASSAM, OF VIRGINIA
STEPHEN MARK BEAIRD, OF VIRGINIA
RENA BITTER, OF TEXAS
ANNA R. BOLINGER, OF VIRGINIA
RICHARD L. BREAW, OF VIRGINIA
MARY JANE WOLANSKY BUSHNAG, OF VIRGINIA
ERIC JOHN CARLSON, OF VIRGINIA
TIMOTHY J. CASEY, OF VIRGINIA
MICHAEL FRANCIS CAVAHAUGH, OF ILLINOIS
MARGARET ELIZABETH CLARK, OF TEXAS
THOMAS EDWARD COONEY, OF MICHIGAN
THOMAS R. CRABB, OF MISSOURI

LORI PETERSON DANDO, OF MINNESOTA
DARIA LEIGH DARNELL, OF VIRGINIA
LYNN DAROCZY, OF PENNSYLVANIA
NORMAN W. DE CARTERET, JR., OF CALIFORNIA
GUILLERMO DE LAS HERAS, OF VIRGINIA
NIDA A. EMMONS, OF ALABAMA
SUZANNE MICHELLE ERIQAT, OF CALIFORNIA
JEWELL ELIZABETH EVANS, OF MISSISSIPPI
ROBERT FARMER, OF FLORIDA
PATRICIA LYNNE FIETZ, OF NEW YORK
JOHN N. GAFFNEY, OF WASHINGTON
MICHAEL GORDON GARVEY, OF NEW YORK
MARCELO A. GIGENA, OF CALIFORNIA
ANTHONY F. GODFREY, OF NEW YORK
KATHARINA P. GOLLNER-SWEET, OF VIRGINIA
PATRICIA H.H. GUY, OF FLORIDA
ADRIENNE LEE HARCHIK, OF VIRGINIA
BROOK EMERSON HEFRIGHT, OF THE DISTRICT OF COLUMBIA
DUANE M. HILLEGAS, OF MARYLAND
WENDY HILTON-JONES, OF VIRGINIA
MARVIN W. JENSEN, OF CALIFORNIA
DEBORAH L. JONES, OF VIRGINIA
ROBERT O. JONES, JR., OF MARYLAND
SEAN P. KELLEY, OF TENNESSEE
ATUL KESHAP, OF VIRGINIA
REBECCA J. KING, OF VIRGINIA
JIM LOVELAND, OF UTAH
SAMUEL ANDREW MADSEN, SR., OF VIRGINIA
LORENZO A. MARTINI, OF VIRGINIA
BRETT DAMIAN MATTEI, OF CALIFORNIA
WAYNE AMORY MCDUFFY, OF NEW JERSEY
DELORES MINERVA MORTIMER, OF MICHIGAN
VONDA GAY NICHOLS, OF TEXAS
SHEILA PASKMAN, OF PENNSYLVANIA
GREGORY C. PATRICK, OF THE DISTRICT OF COLUMBIA
SARAH LONGMAN PAYNE, OF VERMONT
THOMAS T. PIERSON, OF VIRGINIA
KARYN ALLISON POSNER, OF CALIFORNIA
BRENDA S. QUERRIERA, OF VIRGINIA
CRAIG THOMAS REILLY, OF PENNSYLVANIA
JOHN J. RICE, OF THE DISTRICT OF COLUMBIA
DAVID ALLEN SCHLAEFER, OF TEXAS
LAN N. SCHOFIELD, OF VIRGINIA
DAVID J. SCONYERS, OF THE DISTRICT OF COLUMBIA
ROBERT SETTJE, OF SOUTH DAKOTA
LYNNE P. SKEIRIK, OF MAINE
TIMOTHY J. SMITH, OF VIRGINIA
LAUREL ELAINE STEELE, OF CALIFORNIA
KEVIN DOUGLAS STRINGER, OF TEXAS
GREGORY S. TAEVS, OF CALIFORNIA
DAVID A. THOMSON, OF ILLINOIS
BRIAN J. TINDELL, OF ARIZONA
JO ANNE THERESE WAGNER, OF MISSOURI
JOHN EDWIN WARNER, JR., OF VIRGINIA
ALETA FAY WENGER, OF WASHINGTON
KATHLEEN T. WILLIS, OF VIRGINIA
JASON NIALL WITOW, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT, AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED TO BE EFFECTIVE MARCH 22, 1992:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT H. STRONG, OF FLORIDA

THE FOLLOWING-NAMED PERSON OF THE DEPARTMENT OF STATE, PREVIOUSLY APPOINTED MAY 9, 1994 AS A FOREIGN SERVICE OFFICER OF CLASS FOUR, A CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, NOW TO BE EFFECTIVE NOVEMBER 20, 1992:

RICHARD SCOTT SACKS, OF NEW HAMPSHIRE

## IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

### ARMY PROMOTION LIST

*To be lieutenant colonel*

RICHARD W. ATTWOOD, [redacted]
JOHN P. BASILICA, JR., [redacted]
RICHARD K. BISHOP, JR., [redacted]
STEVEN L. BROWN, [redacted]
CHARLES R. BRULE, [redacted]
KEVIN J. CROWLEY, [redacted]
DAVID M. DAVISON, [redacted]
DAVID M. DE ARMOND, [redacted]
JOSEPH P. DERDERIAN, [redacted]
GARY F. EISCHEID, [redacted]
FERGUSON EVANS, [redacted]
WILLIAM A. FOLEY, JR., [redacted]
RICHARD W. GIRARD, [redacted]
LEON L. HARRELL III, [redacted]
JAMES D. HEAD, [redacted]
GARY L. JONES, [redacted]
JOHN M. KANE, [redacted]
PHILLIP J. LENNERT, [redacted]
DAVID A. LEWIS, [redacted]
FORREST D. MALCOME, [redacted]
GEORGE H. MALLOY, [redacted]
JEFFREY C. MCCANN, [redacted]
JAMES P. MCDERMOTT, [redacted]
JOHN E. NELSON II, [redacted]
ROBERT W. OLSCHESKY, [redacted]
CALVIN F. PRINCE, JR., [redacted]
STEVE M. REED, [redacted]
LANCE E. REVO, [redacted]
GLENN K. RIETH, [redacted]
THOMAS S. SHATAVA, [redacted]
PATRICIA A. SHREVE, [redacted]
DAVID R. SMITH, [redacted]
ROBERT E. STAFFORD, [redacted]
JIMMY L. STEWART, [redacted]
LLOYD L. SUTTON, [redacted]
SHERMAN E. TATE, [redacted]
MARGARET S. WASHBURN, [redacted]
PATRICK D. WILSON, [redacted]

### THE JUDGE ADVOCATE GENERAL'S CORPS

*To be lieutenant colonel*

STEPHEN L. DANNER, [redacted]
DAVID S. NISS, [redacted]
JONATHAN D. PELLETIER, [redacted]
GORDON E. WISE, [redacted]

### MEDICAL SERVICE CORPS

*To be lieutenant colonel*

SAMUEL J. HALL, [redacted]
JAMES R. TINKHAM, [redacted]

### ARMY NURSE CORPS

*To be lieutenant colonel*

RUTH A. WILCOX, [redacted]

# HOUSE OF REPRESENTATIVES—*Wednesday, July 27, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May we experience the joy of the day, the exaltation of the gifts of the spirit, the beauty of friendship and the opportunities for service to others. We are grateful, O God, that in spite of the anxieties of daily living and the tensions in our world, we can be filled with thanksgiving that You have blessed us with rich traditions and numerous occasions to see the magnificence of Your world and the splendor of Your creation. May our hearts and minds be open to Your glory, O God, now and evermore. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado [Mr. SKAGGS] come forward and lead the House in the Pledge of Allegiance.

Mr. SKAGGS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1030. An act to amend title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma services for veterans, to improve certain Department of Veterans Affairs programs for women veterans, to extend the period of entitlement to inpatient care for veterans exposed to Agent Orange or ionizing radiation, to establish a hospice care pilot program, to establish a rural health care clinics program, to authorize the Secretary of Veterans Affairs to provide per diem payments and construction grants to State homes for adult day health care services, to establish an education debt reduction program, and for other purposes; and

S. 1146. An act to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes.

## GUARANTEED HEALTH INSURANCE FOR ALL

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, as we get close to the floor debate on health care reform, the threshold question remains, are we going to provide guaranteed health insurance for everybody in this country? It is clear that that is what the American people want and expect us to be able to do. But the question remains, would just insurance reform accomplish most of what we need to do? It sounds good. The problem is with the law of unintended consequences, which would kick in if we were to limit ourselves to insurance reform alone. People who need insurance would get in, but those without immediate problems would wait. As a result, costs would go up, premiums would go up. The middle class would get squeezed out. So, we have to see insurance for all as absolutely critical to our other goals: Affordability, cost containment, workable insurance reform.

This is the key element to real reform. It is the key element missing from the alternatives offered by the other side. We have got to act on health care reform and we have got to have guaranteed insurance for all Americans.

## LIMITING SENIORS HEALTH CARE—NOT AN OPTION

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, with time drawing short this year for Congress to pass a health care bill, I wanted to share a word of caution from older Americans who are concerned that Congress will rush into something they do not want to do.

The media reports that the Clinton health plan is dead—but we know it is not. Similar plans approved in committee would: Limit older Americans' choice of doctors, ration care, and limit current services.

For example, to pay for expanded health care coverage for the uninsured, the bills approved in the House Education and Labor Committee and the Ways and Means Committee would tax benefits and drastically cut Medicare. The Clinton plan recommends cutting Medicare $124 billion.

There is a better way. Older Americans do not have to settle for all-or-nothing reforms that endanger current benefits. Proven reforms can be enacted now to: Control costs, expand access to health services, and guarantee health security.

These reforms will not disrupt the high quality of health services available to most Americans today.

Mr. Speaker, I support moving ahead with health care reform. This issue cannot be rushed. I will not support a plan that jeopardizes the quality of care for older Americans.

## HOUR OF MEETING ON THURSDAY, JULY 28, 1994

Mr. SKAGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Colorado?

There was no objection.

## HOUR OF MEETING ON FRIDAY, JULY 29, 1994

Mr. SKAGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, July 28, 1994, it adjourn to meet at 11 a.m. Friday, July 29.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Colorado?

There was no objection.

## NO FREE LUNCH

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, as we get closer to a vote on health care reform we are hearing that the issue of cost sharing between employers and employees is dead. There are those who would require an individual to buy insurance and pay the full cost rather than to risk upsetting special interests who do not want to cover their employees. What we are really talking about is fairness in who pays the cost of health care insurance. Both employers and employees have a stake in a healthy work force; therefore, the costs and benefits should be shared.

The fact is that most people who have insurance get that insurance

through their employer. This is not a new situation and this resulted from the free market determining how benefits would be distributed.

Many of you know that large businesses generally support the idea of providing coverage to all employees since most large companies already provide these benefits. However, you may have also heard that this proposal would kill small business. In the district I represent, a small businessowner named Bobby Schlitzberger provides insurance to his 10 employees today without a Government mandate. However, he realizes that unless his competition does the same, he is put at a competitive disadvantage.

This small businessman, who also happens to be a member of the National Federation of Independent Business, seems to already have gotten the message that many Members of this body have not. We need to provide health coverage to all employees so that all of our businesses can stay competitive.

As Bobby Schlitzberger stated, "There ain't no free lunch."

It's time for this Congress to pass health care reform. This is the last great social policy debate of this century. When our kids and grandkids look back, will we have set the stage for a stable economic future or will we have taken the course of least resistance and continued business as usual.

## THE PHONY EXPRESS

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, "The Health Security Express Off to a Slow Start." That was the headline in the Washington Post, describing the special interest bus tour inspired by President and Mrs. Clinton.

In a sign of things to come, one of the tour's four buses broke down the first day. If the Clinton plan is enacted, everybody's health care would break down under the control of Government bureaucrats. But even as the Phony Express makes its way across the country, Democratic leaders are finally heeding Republican warnings.

In fact, late last week, the President acknowledged that his plan was officially dead. The White House is now open to the idea of delaying reform.

But Republicans do not want to delay the wrong reforms. They want swift action now on the right reforms. Republicans want malpractice reform. We want portability. We want to end preexisting conditions. And we want to do it now.

I urge my Democrat colleagues to work with Republicans to achieve commonsense health care reform, while abandoning their plan once and for all.

## MOM LOSES CUSTODY OVER DAY CARE

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, this morning as I read the cover of USA Today, the cover story says "Mom Loses Custody Over Day Care." It seems to me that this sends all of the wrong messages to responsible young women who assume primary responsibility for their child. This young lady, a student at the university of Michigan, allows her daughter to live with her in the dormitory while she pursues her college education. It seems to me that even as we debate welfare reform here on the floor of the House, as we talk about trying to get more young people to assume that kind of responsibility, as we talk about moving them from welfare rolls so that they can pursue not only education but job training programs, that the message that is sent by this particular decision is one that has dire consequences. It is my hope that the judge will take another look, perhaps reverse the decision, because I think it means much to working mothers to know that they can place their child in good day care while at the same time pursuing their education and other training pursuits.

## FIRST LADY'S HEALTH CARE TASK FORCE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, every day there is some new revelation. Today it was reported in the news that the First Lady's defense lawyer now claims that her health care reform task force had no influence on the content of the President's health care reform bill. The White House has now apparently admitted that the task force that the first Lady headed was mainly composed of special interests, not Government employees.

The American people cannot be fooled. It is absolutely clear that the task force was assembled to write the Clinton health care plan and indeed I am sure the First Lady's comments in the press over the past year will confirm that. For her attorney to now deny that the task force had any influence on the health care plan is absolutely ridiculous. If the task force did not write the plan, who did? What were those hundreds of people doing? How much did it cost the taxpayers?

This is another example of how this administration feels it is above the law. A trial has been scheduled to determine whether the task force broke the law. Now we will know.

Mr. Speaker, there is no wonder the American people have no confidence in the Clinton health care plan.

□ 1010

## INNOCENT UNTIL PROVEN GUILTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is still a lot of injustice in America. One injustice is a taxpayer is guilty until proven innocent by himself or herself when accused of tax fraud or tax evasion. Another one is that our great legislator around here, JIM BUNNING, has not been inducted into the Baseball Hall of Fame.

But, Congress, we cannot do anything about JIM BUNNING and the baseball writers should wise up. But, Congress, we can do something about protecting the constitutional rights of our taxpayers, and I invoke JIM BUNNING's name because JIM is a member of the Ways and Means Committee and signed on to Discharge Petition No. 12, folks.

He said, "Jim, I was reluctant at first because of the provisions on IRS agents' liabilities." I gave JIM BUNNING my word that I would throw those provisions out and I am giving Congress my word. Sign Discharge Petition No. 12 and there is only one thing that will be brought to the floor: A taxpayer, when accused of tax fraud or tax evasion, is innocent until proven guilty. That is it.

If it is good enough for Jeffrey Dahmer, if it is good enough for Charles Manson, if it is good enough for the Son of Sam, Congress, it is good enough for mom and dad. I want Members to sign Discharge Petition No. 12.

## THE BUS STARTS HERE

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, what a difference 40 years makes. When Harry Truman was the Democrat in the White House he had a sign on his desk that read "The Buck Stops Here."

In other words, when the going got tough then it was his responsibility. In contrast, today when the going gets tough this administration hits the road. Literally.

Last week the White House began its bus campaign to salvage its Big Government, big spender health care program. It is not the buck that has stopped, but the bus that has stopped.

However, this strategy has a major oversight. The problem with the Clinton health care plan is not that the people do not know it. The problem with the Clinton health care plan is that the people do not like it.

Boy, don't they like it. According to the latest CNN/Gallup poll, 59 percent of Americans oppose the Clinton plan, while only a sliver thin one third of Americans still support it. Let us get

off the bus and get to work—on health care reform most Americans can swallow.

## INTRODUCTION OF LEGISLATION TO ESTABLISH AMERICAN MEDICAL CARE [AMCARE]

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I am today introducing legislation to establish American Medical Care [AMCARE].

AMCARE establishes a Federal Government sponsored, single payer type health care plan, available as a choice to all individuals. It assures that all competitive health care plan options now available to consumers remain as a part of a reformed health care system.

AMCARE will operate alongside of the various private options under the same structure and rules. It will offer the standard national benefits package with supplemental benefits offered in the same manner as other plans.

While AMCARE is government sponsored, it is not taxpayer financed. It is self-financing through premiums. It will be administered by the Secretary of Health and Human Services with an oversight board of trustees and a 3-percent administration cap. It will participate in risk adjustment and receive subsidy payments for individuals in the same manner as other plans.

As we consider the final version of health care reform, I hope that an AMCARE model will be considered.

For anyone who believes that government can compete with the private sector in the delivery of healthcare, AMCARE is the plan for you; for anyone who believes the private sector can out compete government in the delivery of health care, AMCARE will allow you to prove it; for those of you who feel that the jury is not in on the issue, AMCARE will allow the jury to come in.

## TALES FROM THE CRYPT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in its enthusiasm to sell its health care plan the Clinton White House has pulled out all the stops on its rhetoric.

Recently, they have been trumpeting the support their plan has from some 300 small businesses.

There is just one problem: Many of these claimed supporters are not. According to Business Week many of the listed businesses actually oppose the plan and dozens more have never heard of the Clinton coalition.

However, the Clinton health care proponents did not stop at falsely claiming converts; they even went so far as to raise the dead. One of the White House's claimed supporters, Louis Slotnick of Chicago, passed away 19 years ago.

The Clintons may be underselling the healing powers of their health plan if they are able to get Mr. Slotnicks support for it.

Actually, it is appropriate that the Clinton plan is seeking support from this quarter at the same time that it is losing it among the living.

Instead of taking a bus to rally support for their plan, the White House should be taking a hearse.

## PRIVATE GUARANTEED HEALTH INSURANCE FOR EVERYONE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last week, the Catholic Health Association released a comprehensive study of the major health care reform plans. The study confirms what Democrats have been saying all along—that unless we guarantee private health insurance for all, the middle class will wind up bearing the brunt of rising health care costs.

No matter what happens in Congress, we know this: the very poor and the very wealthy will be able to get health care. It is middle-income Americans who are at risk. And, it is their interests that we must keep in mind.

Health insurance reform alone will not work. That's what the opponents want. In fact, the Catholic Health Association study points out that if we make it harder to exclude people from insurance, only sick people who need expensive care will have insurance and working families will see their premiums go through the roof.

We have an opportunity to reach out to working families and enact real health care reform—not a cheap imitation, not halfway legislation, not soft-boiled initiatives.

Reform must begin and end with private guaranteed health insurance for everyone. It is not a line in the sand. It is the sand—the very foundation of real health care reform. Minimal political reform fails working families, fails small businesses, fails America.

## FORGIVING JORDAN'S DEBT TO THE UNITED STATES

(Mr. CALLAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, I am deeply concerned by reports that President Clinton will ask Congress to forgive some or all of Jordan's $700 million debt to the United States.

I serve on the Foreign Operations Appropriations Subcommittee and would expect to have received some type of notification of this proposed action. I have not. In fact, a recent inquiry through the State Department indicated that nobody knew anything about this forgiveness.

No one in this body welcomes the peace agreement between Jordan and Israel more than I do, and I was truly proud to be part of yesterday's joint session with King Hussein and Prime Minister Rabin. However, I am concerned if American taxpayers must pay for one nation to do the right thing. What type of precedent are we setting for future international peace settlements, treaties, or other actions?

It may be in our best interest to forgive Jordan's indebtedness. At this point I do not think it is. But we should not do it secretly without a debate and vote. I urge the leadership to bring the President's proposal before this House for full and thorough discussion, and we should have a vote accordingly.

## KEEP ASSAULT WEAPONS BAN IN CRIME BILL

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, I rise today to urge the conferees on the crime bill to keep the assault weapons ban in the final conference agreement.

My constituents are tired of seeing the streets controlled by these heavily armed criminals. I have told you this before but it is worth telling you again: In one of my counties, more people died in gun-related deaths in 1 year than in Great Britain, Australia, and Sweden combined.

Over the years, a small number of interest groups have managed to hold Congress hostage to their pro-weapons doctines, and the Nation as a whole has suffered. We broke this barrier by passing the first national assault weapons ban this past May. We owe it to the American people to uphold this position and keep the assault weapons ban in the crime bill.

The ban will save American lives. The 19 specific weapons that were banned are all copies of military style submachine guns; they are used by criminals to kill people at close quarters with rapid fire lethal bursts. I support the rights of sportsmen but these guns are not used by sportsmen.

The assault weapons ban will reduce the amount of firepower available to criminals. It is the least we can do for our Nation's next generation. I urge my colleagues on both sides of the aisle to join me in my request to the conferees to keep the assault weapons ban in the crime bill.

□ 1020

## POLL RESULTS SHOW SUBSTANTIAL OPPOSITION TO GOVERNMENT-MANDATED UNIVERSAL HEALTH CARE COVERAGE

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, months ago, the President dramatically brandished his veto pen for anything other than universal coverage in health care reform. But just a few days ago a phone-in poll was conducted by a major newspaper which serves a large metropolitan area in my southwest Florida district. Poll results show that two-thirds of those responding oppose Government-mandated universal coverage in health care reform. Unlike the liberal media and the White House spin doctors, these good people realize that there is a legitimate difference between universal access to affordable care and universal coverage under a Government-mandated, Government-run budget-busting health system. Hopefully, Mrs. Clinton and her fellow bus travelers are discovering that most Americans do not want a Washington-driven Health Care System. I believe they are saying let us put the people in the driver's seat, not Washington bureaucrats.

## HEALTH CARE REFORM: MAKE SURE IT WORKS

(Mr. KREIDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREIDLER. Mr. Speaker, very soon we will vote on the most important reform of health care in our Nation's history.

Having spent 20 years treating patients, I am convinced that for reform to work, we have to accomplish several objectives:

We have to keep the cost of health insurance from spiraling out of control, especially for small business.

We have to give people a choice of doctors and health plans.

We have to keep health insurance in the private marketplace.

And we have to let States like Washington implement their own health reform plans.

That is what the people we work for expect, that is what they deserve, and that is why I will not support any plan that does not offer every American the same health security that Members of Congress have.

## WHO IS HAROLD ICKES?

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, who is Harold Ickes?

Officially, he is the White House Deputy Chief of Staff, the top Clinton strategist for health care reform, and the administration's point man on Whitewater.

Pretty impressive. But there is more to this picture than meets the eye.

As his record in the Whitewater affair will attest, Mr. Ickes is a proven master in the art of stonewalling and political intimidation.

Soon after arriving at the White House, Ickes pressured Roger Altman to stay at the RTC because the Clintons needed a friend on the inside. Then, he tried to remove attorney Jay Stephens from the Whitewater case because the Clintons didn't need any enemies.

But most disturbing is a confidential memo Ickes sent to Hillary Clinton on the RTC, which has been redacted from 25 pages to just one paragraph. Where is the rest of the story? Only Harold Ickes and the White House know.

If the people's faith in Government is ever to survive Whitewater, then the Clinton administration is going to have to tell the truth this week. And people like Harold Ickes are going to have to come clean.

Who is Harold Ickes? The American people deserve to know.

## CONGRESSIONAL REFORM: LET US REFORM OURSELVES

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, only in Congress could we have a self reform package that pleases no one. The old guard warns of utter chaos and confusion, the reformers feel it does not go far enough, and the voters will not like it as it does not do away with the abuses, perks and privileges of office.

The Joint Committee on Congress has spent 6 months and $640,000 on a package that has few changes, probably none that will affect the way we do business.

My bill, H.R. 4444, does away with proxy voting. The package does not. My bill reforms our pension, parking, and travel guidelines. The package does not. My bill applies health care reform to us. The package does not. There is much, much more H.R. 4444 does that the package does not.

The numbers speak for themselves, Mr. Speaker. 110 new freshman in 1992. The Democratic Congressional Campaign Committee admitted in a briefing that they expect to lose 25 to 30 seats, which means they will lose more.

We can reform ourselves or the voters will do it for us. Let us reform ourselves. Support total congressional reform, support H.R. 4444.

## LET US WORK TOGETHER ON HEALTH CARE REFORM AND RESTORE CONFIDENCE IN CONGRESS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I believe the poll results show that there was a very significant upward movement of approval across the country for Congress as an institution, and as a working institution, when together we adopted what was called NAFTA, the North American Free Trade Agreement back in 1993. Unfortunately, some of those approval ratings have been dropping off in the meantime, and it seems to me that one way this institution, and we as Members of it on both sides of the aisle, could again improve our ratings with the American people both as an institution of historical significance and also as a working, productive body, would be to do something together on the health care issue.

What dignified and probably distinguished NAFTA was the fact that both sides came together, the leadership on both sides of the aisle, and fashioned this agreement. What we now need, I think, is more effort collegially and cooperatively in a bipartisan sense with regard to health care reform.

It seems to me if we were able to do something like that in these waning days of summer, then we might be able to restore the confidence of the people in Congress as an institution and as a working institution.

## CONGRESS APPROVES STRONG RISK ASSESSMENT LANGUAGE

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, yesterday the House of Representatives again confirmed its commitment to strong risk assessment language. As we considered new science and technology legislation, 286 Members sent a message to bureaucrats, this administration and our House leaders that we will not accept a watered-down approach to risk assessments.

The movement in Congress for regulatory reform took a large step forward. Unfortunately, EPA Administrator Browner and her bureaucratic buddies still have not gotten the message. Yesterday they rushed to the House floor their statement of opposition and defiance to including strong risk assessment language in the pending legislation. Ms. Browner's actions and opposition can only be compared to a drowning woman's plea for help, but rather than call for a life preserve, Carol Browner asked for another cement block.

Fortunately, the House refused her hollow plea, fortunately the House rejected her idle threat. Fortunately the House stated clearly and loudly that we will not accept new legislation, we will not accept new programs, and we will not accept new regulations without strong risk assessment language.

## HARRY TRUMAN: PRESIDENT AND PROPHET

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, 46 years ago Harry Truman, in a courageous move, recognized the State of Israel. Yesterday we had the head of the State of Israel and the King of Jordan before this Congress signing a peace that has taken those 46 years to achieve.

Harry Truman in 1945 called for universal health care. In 1945 he said the need for a program that will give everyone an opportunity for medical care is obvious, nor can there be any serious debate about the doubt of the Government's responsibility to help in this humane and social problem.

Mr. Speaker, we have brought the parties in the Middle East together; the Soviet Union that President Truman, through President Bush, fought, has dissipated. The Soviet Union is no longer.

We have been to the moon; we have been able to conquer most of the childhood diseases that existed when President Truman was in office, but we are still struggling to give every American guaranteed health care coverage.

We have brought peace to the Middle East. We have brought an end to the Communist reign in the Soviet Union; it is time to give Americans, 100 percent of Americans, universal health care coverage.

## U.S. MATH TEAM IS FIRST IN THE WORLD

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, we often hear that America is not No. 1 in the world any more. The example often cited is the decline in our country's educational system.

Now, Mr. Speaker, we do have some problems that need to be addressed in our schools, but I believe it important to acknowledge the successes as well. We still produce some of the brightest students in the world.

Just this week the United States won the top prize in the international match competition which took place in Hong Kong.

Each of the five members on the U.S. team scored a perfect 42 which is an unprecedented accomplishment. The competition included participants from 69 countries. China placed second and Russia third.

We hear a great deal of talk about the need to build self esteem in our young people. One of the best ways to build self esteem is to make sure that we instill in our teens the importance of a good education.

Math and science should be promoted in our schools if we are to continue being No. 1 in the world. We must be able to compete globally.

Again, I commend our U.S. math team for this phenomenal achievement.

## MIDDLE EAST PEACE ACCORD: LET'S GIVE CREDIT WHERE CREDIT IS DUE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, yesterday most of the press attention was on Whitewater hearings, but the most important event took place right here in this great hall where the leaders of Jordan and Israel signaled that the time had come for peace.

You notice they credited one man named Warren Christopher for the efforts that brought them together. The administration deserves credit for pursuing this Middle East initiative with persistence, with diplomacy, with good judgment, but most importantly, on a bipartisan basis.

□ 1030

Mr. Speaker, Warren Christopher many times is criticized. But his achievement will always be measured as Secretary of State by his very positive diplomacy that he brought to the historic meeting that took place yesterday.

The Clinton administration has made very, very significant progress in the Middle East, building upon past administrations. Let us give credit where credit is due.

## CALIFORNIA DESERT PROTECTION ACT OF 1994

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill, H.R. 518.

□ 1031

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, with Mr. PETERSON of Florida in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Thursday, July 14, 1994, the amendment offered by the gentleman from Louisiana [Mr. TAUZIN] had been disposed of, and title VII was open to amendment at any point.

Are there further amendments to title VII?

AMENDMENT OFFERED BY MR. CALVERT

Mr. CALVERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CALVERT: At the end of the bill, add the following new section:

**"SEC. 703. EFFECTIVE DATE.**

"This Act shall take effect when the National Park Service has reduced the nationwide backlog of land acquisition by 50 percent. The scope of the backlog shall be determined as of the date of enactment of this Act, by the Director of the Office of Management and Budget, and shall certify when the backlog has been reduced by the requirements of this section."

Mr. CALVERT. Mr. Chairman, this is a simple, yet very important amendment. Its purpose is straightforward—to require fiscal, as well as environmental responsibility.

It requires the National Park Service to take care of existing obligations before Congress adds new ones.

Our national park Service is in desperate need of funds.

Here is what National Park Service Director Kennedy recently had to say about our national parks:

> The condition of the places is in many instances genuinely desperate and disgusting. There are buildings that aren't safe, buildings with asbestos in them, parks with hazardous waste all over the place.

These words—"desperate," "disgusting," "hazardous," and "not safe" are his, not mine.

Virtually everywhere you look in our national parks, you can see deteriorated or inadequate facilities and inadequate personnel to provide basic information or respond to emergencies.

Nationwide, the National Park Service is facing a shortfall of $5.6 billion for construction, several billion for land acquisition and $400 million in annual operating costs—as is shown on this chart.

This translates to a 37-year backlog in funding for construction and a 25-year backlog in land acquisition, if we assume no inflation and no decreases in funding.

And, the fact is that funds are getting more and more scarce for our existing parks. The House-passed appropriation bill for fiscal year 1995 provides for a cut of 15 percent in construction over the previous year, an 8-percent cut in land acquisition over the

previous year, and an operational increase less than the amount of inflation.

In short, the shortfall is likely to get worse, rather than better.

A recent nationwide survey of park superintendents identified their No. 1 problem as inadequate funds. The number two problem was inadequate staff.

Despite this crisis, Secretary Babbitt has ordered the National Park Service to cut more than 1,300 full-time positions or about 7 percent of their work force over 3 years.

Mr. Chairman, it does not take a mathematician or an economist to understand that this legislation, the California Desert Protection Act, will put the Park Service in worse financial condition than it is now.

According to the Congressional Budget Office, the cost of implementing this bill will be $336 million, and according to the Department of the Interior, it will require 100 additional employees to manage 3 million acres of new National Park Service lands.

And, where will the money and personnel come from? There's only one place they can come from—parks which are already underfunded and understaffed—parks in the districts of virtually every Member of this body.

Funding the Desert Protection Act before clearing the backlog of Park Service repairs and acquisitions makes about as much sense as a family which owns a home with a leaky roof, worn-out furnace and broken water heater borrowing money to add a swimming pool. It is completely illogical.

Mr. Chairman, my amendment does not prohibit our Government from taking steps to protect the California desert. What it does do is require the Government to fulfill its current commitments—to remove the asbestos; to repair dangerous facilities and to fix up disgusting buildings. It requires us to make our present park inventory more available to the American people before adding additional acres.

The amendment simply requires the U.S. Park Service to reduce the nationwide backlog of land acquisition, construction and operation by 50 percent, before this bill—H.R. 518—can take effect.

We are telling the family with the leaky roof, blown-out water heater, and broken furnace that they have to take care of those essentials before we will give them money to build that swimming pool.

We are telling the Park Service that we want them to take care of what they already have before we burden them with even more.

Mr. Chairman, this is a commonsense amendment, and I urge a "yes" vote.

Mr. McKEON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California [Mr. CALVERT].

Mr. Chairman, Congress has regularly increased the National Park Service's maintenance budget but continues to face a huge backlog of repairs. In the State of California alone, repairs are estimated to cost over $2 billion. By creating three new parks, one of the results of the bill before us today would be to divert limited funds from such California parks as Yosemite and Sequoia, as well as other parks like Yellowstone, Bryce Canyon, and the Grand Canyon. Opponents of the Calvert amendment will state that figures cited for maintenance projects are inflated because they represent a wish list of park directors rather than a reasonable attempt to address maintenance priorities. While to a limited extent this may be true, the fact remains that necessary improvements at our national parks will be sacrificed by adding expansive desert lands to the national park system. I urge adoption of the Calvert proposal as a means of addressing this critical issue.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. CALVERT].

Mr. Chairman, I rise in strong opposition to this amendment. Just listening to the principal proponent of it, he says we have a 37-year backlog in terms of the National Park Service in terms of land and other types of backlogs that are identified, that he tried to identify. Using that, Mr. Chairman, that would mean that, if we wanted to take 50 percent of that without inflation to the other factors according to the proponent, it would be the year 2014, or about 20 years, before we could, in fact, designate these parks in California that they would be operative. The expansion we are talking about is substantial expansion to the parks here.

□ 1040

So I do not think this is really a serious amendment in terms of what its impact is. It would simply pull the rug out from under the idea of having any new park or the new park in California, or the expansion that is so justified and wanted by the people of California and this Nation, and a longtime goal of the National Park Service to provide the Mojave type in the national park system.

This is an effort to change the argument in terms of the needs. This is part of the legacy of tomorrow.

They talk about what we are doing in terms of restoring the Golden State and some of the gold. The gold there was not from the forty-niners. It is in the natural resources that are there and available to the people, and it is something that is really of national interest.

Most of these lands, incidentally, are going to remain in the public domain or are in the public domain. These are BLM lands. These are public lands, and it is a question of whether we can have the highest and best use. Do we want to make these lands open to the 1872 mining laws so we can give away more mining claims and patents? That is the effect of not permitting this particular designation and these activities to go forward. By the year 2014, there would be nothing left; it would be ruined, based on the past mining policies and their effect that has occurred historically.

So this is an effort really to mask as a friend of the Park Service. With friends like this, no wonder the Park Service has a backlog.

The truth is that that backlog could grow, simply based on inflation, and that is precisely what has happened during the 1980's, because land prices, where we had responsibilities to purchase land, have gone up, because the wish list of those in the Park Service, the superintendents from parks who have no legislative limitations, has significantly grown.

Are there some serious problems at Isle Royale? Yes, there are dock problems there, and there are other issues. The fact is that the Park Service through various trust funds and other types of programs has been shortchanged. The arguments of the gentleman and others would be much more convincing if they had come to the floor and been advocates for the Park Service in the sense of trying to represent and fight for the needs of the Park Service, along with others of us who are concerned about the park's future.

So I think this amendment deserves richly to be defeated. As to the value of the assets and the administration handing this over to the Office of Management and Budget to run the Park Service, in essence to make the decisions that Congress should make, to designate or not designate, to put that type of trip wire in is to trip up the whole process of park designation, and I think this amendment, masking as a friend of the park, is a policy that does not work.

The Members who are advocating and supporting this amendment in essence in my judgment do not want to designate these parks. They do not support the designation of these parks. So the suggestion that somehow we have to have this type of limitation in here, I think, is disingenuous to say the least.

As to the OMB, there simply is no target. The gentleman from California [Mr. LEWIS] and others—Mr. LEWIS has not spoken yet, but I suppose he will—say there is a $9 billion to $11 billion park backlog. This amendment proponent suggest that there is a $7 billion to $9 billion park backlog. Is it $9 to $11, and this has $7 to $9? The Park Service calculates the backlog as $4.5 billion. The backlog is a moving target. So even if we wanted to use that particular logic, we certainly would

have to understand the limitations and inappropriateness of such threshold.

The important point is that we, the Congress, should make the decision, make it ourselves and not pass it over to OMB or some bureaucrat to make the decision about whether or not we are going to have a Mojave Desert Park, whether we are going to substantially expand Death Valley, and whether we are going to add to Joshua Tree.

Mr. Chairman, this amendment should be defeated.

MODIFICATION OF AMENDMENT OFFERED BY MR. CALVERT

The CHAIRMAN. The Chair understands that the gentleman from California [Mr. CALVERT] wished to offer a modification.

Mr. CALVERT. Mr. Chairman, I do offer the modification, and I ask unanimous consent for its adoption.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. CALVERT: After the phrase, "land acquisition," insert ", construction and park operations".

The CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

The text of the amendment, as modified, offered by the gentleman from California [Mr. CALVERT] is as follows:

At the end of the bill, add the following new section:

**"SEC. 703. EFFECTIVE DATE.**

"This Act shall take effect when the National Park Service has reduced the nationwide backlog of land acquisition, construction and park operations by 50 percent. The scope of the backlog shall be determined as of the date of enactment of this Act, by the Director of the Office of Management and Budget, and shall certify when the backlog has been reduced by the requirements of this section."

Mr. LEWIS of California. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise with no small amount of consternation after listening to the presentation by my colleague, the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee that would deal with these public lands or has the responsibility for them.

I must say to suggest that one way or another this amendment would indicate a total lack of support for parks in this region is not a reflection of the debate that has gone before us over these past several weeks.

The reality is that the Park Service is in serious trouble at this moment. There is little doubt that the Members of the House understand that one way or another this committee, including the subcommittee chairman, has gotten out of touch with the real world as it relates to what we can actually afford with the Park System. There is a significant backlog reflected here in California parks and reflected throughout the country as well. The Park Service by way of this committee has been saddled with a log of long-term intent, very ambitious expansion objectives in terms of the Park System, with very little idea of how we are going to pay for it over a period of time.

In our State alone, Yosemite National Park has an annual operating shortfall of $9.4 million, a construction and land acquisition shortfall of $394 million. The Sequoia-Kings Canyon National Park has almost a million dollars of annual backlog, and $200 million of construction. It goes on and on and on.

In the very area that we are talking about here, with one of the national monuments, the Death Valley National Monument, we are kind of in the midst of trying to complete a record-breaking period of temperatures in excess of 120 degrees at that national monument, and we have Park Service people living in metal crates essentially because of a lack of capability to fund adequate housing for those members of the Park Service.

It is very critical for us to recognize that first and foremost we have a responsibility to the existing Park Service. Members across the country recognize that their parks are not receiving the kind of service that they need to in turn adequately service the public.

Then let us speak to this bill specifically as it relates to this amendment. This amendment simply would say, until such time as the Park Service brings down their backlog in terms of property that they need to purchase, that in turn there would not be an implementation of this specific legislation.

What does that actually mean? Well, presently the two major areas that would be reflected by this bill in terms of any significant policy change are the Joshua Tree National Monument, which is supposed to become a park and to expand somewhat significantly, and the Death Valley National Monument, which would become a park. Both of those monuments are currently operated by the Park Service. They have been handled by that service over a sizable number of years, and in spite of their shortfall, still there are people in the public worried about parks and lands who believe they are of a quality that they should become parks.

It seems to me that somehow, some way, in spite of that shortfall, the Park Service has done a pretty adequate job handling the monuments per se. This amendment would suggest that the monuments continue in that pattern without the additional expenditures that are necessary for making them parks. You have to increase the number of personnel significantly to make that transition to parks. Yet there is absolutely no mechanism, no suggestions as to how this committee would find those added expenses, to say the least. If there is a shortfall, there is a shortfall of reality here.

This bill in its present form, does not create a third park, which is the wish list of this committee. It creates a preserve in the East Mojave, recognizing the horrendous multiple kinds of uses that absolutely belie the suggestion that there should be a park in the region. There are thousands of miles of roadways, there are endless high power lines, and multiple use that involves very important minerals and mining, which is critical to the national interest.

□ 1050

The House has recognized that multiple use is logical for the East Mojave, so there is not a question there. So really what this bill would do, this amendment would do, is say in the two areas where transition of significance would take place, where we are talking about making a monument, a couple of monument parks, there is added expense. Let us delay that expense.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Mr. Chairman, it is the intention of this gentleman to object to extensions of time on both sides of the aisle so we can move along with the legislation. I do object.

The CHAIRMAN. Objection has been heard.

Mr. PACKARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I must say I certainly hope the chairman's action this early in this discussion today is not an indication of his intention to return to a pattern of essentially rolling over the people who are elected to represent the desert. We do not expect to spend extensive time today. But if this is going to be the pattern of the chairman, we may spend a great deal more time than I had intended, at least. To suggest they are not issues that are important to discuss here, Members across the country should take a look at their own States and districts, at the backlog that is there.

Secretary Babbitt, in the hearing on the Senate side, suggested that where we had inholdings that might not have money available for them in terms of priority for the Park Service, Secretary Babbitt said, "They can keep

their property forever, as far as I am concerned." This is essentially a statement inside a national park, caring less about the kinds of property rights that were reflected in an overwhelming vote of concern just last week when we were discussing this bill.

Indeed, there is little doubt there is a major problem here. This amendment attempts to address the problem in a very responsible way, and I urge the Members to look at their own States and districts as they consider their vote on this amendment.

Mr. PACKARD. Mr. Chairman, reclaiming my time, I rise in strong support of the amendment to H.R. 518 of the gentleman from California [Mr. CALVERT], the California Desert Protection Act. This amendment adds a level of credibility to an ill-conceived piece of legislation which threatens National Park Service operations throughout this country. As originally fashioned, the California Desert Protection Act would create three new national parks in a system which is having trouble sustaining the current operations.

The National Park Service's own estimates show shortfalls of up to $9 billion. The 367 existing units of the National Park System already contend with deteriorating facilities for visitors, poor roads, and personnel shortages.

The Calvert amendment takes a commonsense approach to solving this problem by delaying the implementation of H.R. 518 until existing National Park Service backlog on construction, land acquisition, and operations is reduced by 50 percent.

Members from Utah, Idaho, Montana, Wyoming, Virginia, Arizona, Florida, New York, anywhere where there is a national park in your area or State, you will be called upon to take less money in an already short budget to operate your national park if these three national parks become a reality. This amendment will help to ensure that less money will be siphoned away from existing parks to create these three new national parks.

Secretary Babbitt, who came before my subcommittee on appropriations, stated over and over again that no new money will be provided for new parks. Instead, these new parks will be absorbed into the Service's already overburdened budget. That means that every national park in your area will have to help sustain these three new parks by taking less money.

As a Member serving on the appropriations subcommittee charged with funding the National Park Service, I am acutely aware of the current fiscal crisis facing the National Park Service during the 1994 fiscal budget year appropriations hearings. Park Service officials lamented the fact that there already exists a backlog of $2.1 billion in National Park Service construction for Park Service projects already approved that are still waiting for the funds to get started. Those projects will be further delayed if this bill becomes enacted without the Calvert amendment.

Member after Member came to our subcommittee and testified about the insufficient staffing and employee housing, poor roads, and deteriorating recreational facilities.

I ask my colleagues to consider the parks in their area. How much further down the list will it fall for construction and maintenance moneys when the Park Service is saddled with the burden of sustaining three new parks? These problems are certain to get worse in four district and in your parks. Without passage of the Calvert amendment, the park in your area will receive less money this year, next year, and every year after that.

Mr. Chairman, I hope my colleagues will keep in mind that the consequences of the California Desert Protection Act are not limited to California's alone. They reach into every one of your districts and your national parks across the country. I urge Members to support the Calvert amendment.

Mr. McCANDLESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Calvert amendment.

Mr. Chairman, the reality of where we stand with our National Park System is painfully clear. Everyone is aware by now, or should be, of the major problems that are inherent in the system, in parks all across the country. Simply put, we are not able to take proper care of our existing park units, and as it stands now, we are unlikely to, given the staggering and well-documented backlogs in land acquisition and construction and maintenance. If we can't bring ourselves to exercise some restraint, as this amendment would, then the future of our National Park System, in both the short and long term, is exceedingly grim.

I would urge my colleagues to examine the logic of the Chicken Littles who call this amendment a bill killer. Look at what is happening in all our other parks; look at the facts as they relate to the lack of available moneys and staff. Forget about killing a bill; without this amendment, we are going to kill the desert that supporters of H.R. 518 claim to love so much. Look at it this way: Right now, the people who live in or visit the desert regularly do so because they love and appreciate its special brand of beauty. It is not for everyone, as these folks will tell you, but the rock climbers, hikers, birdwatchers, photographers, rockhounds, and others each find what they need in the unique stillness of the desert. These people understand the desert, and know that it is not a playground to be taken lightly. For these kinds of outdoor aficionados, the lack of infrastructure, rangers, or other staff, whether they are Park Service or BLM, is less of an issue, for the simple reason that they understand and respect the desert.

Now, let us assume that Congress in its infinite wisdom goes ahead and creates these new national parks. Now you have big signs on Interstate 10 and I-95 advertising these great new parks, and the tourists come rolling in by the station wagon full. Now these people for the most part have never experienced the desert, but because it is a national park they have certain preexisting expectations. Lodging, parking, sanitary and water facilities, campgrounds, interpretational kiosks, nature walks, snack bars, and the whole nine yards.

Will such amenities be available? Not likely, given the lack of the most basic resources and services at well-established and heavily visited parks like Yosemite and Yellowstone.

Now, the dissatisfied tourists notwithstanding, what will be the effect on the fragile desert ecosystem when millions of visitors come streaming through it with little to no direction as to how to appreciate it or conduct themselves in it?

I'm sorry, but that dog won't hunt. Without the Calvert amendment, whatever parks that will be created by this act are doomed from the start. Further, without the restraint of this amendment, we are turning our backs on the problems of existing parks. How can I say this? Don't take my word for it, just read the papers.

We are loving our Park System to death, plain and simple. This June 2 article from the San Francisco Chronicle tells us that in Yosemite, traffic jams, overcrowding, and enforcement of crimes such as rape and assault have taken the spotlight from Half Dome. This park covers nearly 1,200 square miles, and has only 100 rangers to patrol it. That number will be reduced with additional cutbacks to be phased in over the next 5 years.

In the July issue of Outside magazine, the summer travel advisory lists the 16 most dangerous national parks in America. Unhappily, listed among these is the California Desert Conservation District, the area addressed by this bill, which features among other things practicing satanists, militant white supremacists, and heavily armed drug laboratories. And finally, the August 1 issue of Newsweek carries a very interesting article about how our natural resources, including parks and national forests, have been brought to the breaking point by overuse. Tourism is killing places like the Grand Canyon, and Moab, UT, because we lack the resources to manage them properly, I would ask that these three articles I have mentioned be added to the RECORD at the appropriate point.

I cannot stress this enough: Without the Calvert amendment, three things are guaranteed to happen:

First, our existing park facilities will continue to deteriorate due to overuse and lack of resources.

Second, the very deserts the supporters of this odious bill claim to know so well and care so much about will be thrown into this very same pot, without proper funding or supervision, where they too will suffer the same abuses due to our neglect.

Third, existing park facilities in every State will have their already strapped budgets hit up yet again to try and pay for the new California park facilities.

That is the bottom line. So there you have it. Worsening mediocrity is the best your constituents can expect from the National Park System this summer, or this Labor Day weekend, unless we make a stand right here to change how we operate. Again, you don't need to take my word for it. Your constituents will tell you all about it when you get back from the August recess.

Please support the Calvert amendment.

Mr. Chairman, I include for the RECORD the newspaper articles referred to.

[From the San Francisco Chronicle, June 2, 1994]

CRIME SURGE WORRIES YOSEMITE RANGERS—PARK'S LAW ENFORCEMENT PERSONNEL CUT WAY BACK AS NUMBER OF VISITORS SWELL TO NEW RECORDS EACH YEAR

(By Michael McCabe)

YOSEMITE NATIONAL PARK.—Three park ranger police cars converged quietly on the crowded campground in the Yosemite Valley over the Memorial Day weekend looking for the occupants of a blue Toyota pickup. A 9-year-old girl with sharp eyes was waiting to assist them.

"You're looking for two white males, one with red hair, the other with brown hair and no shirt on," she said to the first ranger out of the car. "The red-haired one went that way on a bike, and the other one ran over that way."

Within minutes the rangers, each wearing a bulletproof vest, had two men in handcuffs, a bag of marijuana and a collection of little spoons that they suspected to be connected to cocaine use. Their witness, the little girl, stood by taking pictures with her disposable camera.

It was another beautiful day in Yosemite National Park Half Dome looking down benevolently from on high, dogwood trees in full blossom, laughing families in rubber rafts drifting down the high Merced River—while other tourists cranked up for an evening of drinking and brawling, some of them hell-bent on crime.

On the eve of another summertime deluge of visitors to the park, officials say crime and related urban problems are increasingly intruding onto one of the world's great natural wonders, a place that is supposed to be a refuge from all that.

With park attendance already up 14 percent over the last year at this time, park officials expect another record year, with more than 4 million visitors. Yet the ranger force is stretched thinner than ever, with just eight law enforcement rangers on duty in the valley at any one time to serve a highly diverse, not always tranquil, population of as many as 50,000 or a busy weekend day.

Twenty years ago, Yosemite had 220 men and women providing resource and visitor protection for the park, which covers nearly 1,200 square miles. Last year that figure dropped to 112 and this year it is down to about 100.

"Twenty years ago we had up to 28 rangers on a night shift, a time when we had 1.5 million fewer visitors," said park superintendent Mike Finley, who will take over as superintendent of Yellowstone National Park this fall. "We used to have rangers walk through campgrounds, which kept the noise level down. We don't have people to do that anymore. That personal relationship between our law enforcement rangers and the public is being lost. The bad guys may be gaining the upper hand."

While the rangers see their budget cut to the bone, they also are seeing the nature of their jobs changing dramatically, from that of a naturalist with the friendly Smokey Bear hat talking about wildflowers and birds to that of a fully armed, flak-jacketed police officer talking to suspects about their right to remain silent.

GANGS AND GRAFFITI

Increasingly they are concerned not only with drugs and alcohol, but also gangs, graffiti, racial strife, rape, even child sexual abuse.

Last week, a park rest room was trashed and graffiti scribbled on virtually every available surface; rangers suspect it was gang-related. Last summer, 350 Russian Americans from the Bay Area were escorted out of the park after the group had a near-violent confrontation with another group of campers who traced their roots to a Baltic country. Also last summer, rangers broke up a tense standoff between a group of Latino campers from Los Angeles and a group of blacks from Oakland.

Most visitors are aware of the hiking trails, the campgrounds, the shops, the restaurants and bars in the park, but few are aware of the rest: a fire department, a medical clinic, a federal court, a jail (there were 715 arrests last year, nearly twice as many as 1989), even a morgue (there were 21 deaths in 1993, compared with 13 in 1989).

Surprisingly, one of the biggest headaches for rangers turns out to be the park's employees, specifically employees of the concessions. For years, the Yosemite Park & Curry Co. operated the concessions, but last year they were taken over by Yosemite Concession Services Corp., which has 2,100 employees during the summer.

Concession employees, who live three to a tent in rundown residential areas in Yosemite Valley that some consider little better than slums, account for 40 percent of the ranger arrests. Investigators yesterday were still questioning a suspect involved in a reported date rape that was said to have occurred in one of the concession employee's camps last weekend.

BACKGROUND CHECKS

The concession company has recently started doing background checks and drug testing on prospective employees, but rangers say the workers are often on the job for a week or two before the results of the investigation catches up with them. By that time, they may well have already gotten into trouble with the law.

Contrary to pleasant notions that the great outdoors, like music, soothes the savage beast, for many it has the opposite effect, because of "the middle-of-nowhere syndrome," said Paul Berkowitz, senior special agent for the National Park Service in Washington, D.C., and formerly a ranger at Yosemite National Park.

"First, there are the people who are so naive that they think everyone who comes to the park must be good people," Berkowitz said. "They turn out to be the perfect victims. Then there are the people who come to the parks determined to have a good time no matter what, with the help of alcohol and drugs. They believe they are in the middle of nowhere and there are no rules. They turn on the first group.

"And there's also a third group of hardened criminals, who prey on the rest. These are the car burglars, thieves and pedophiles. They are all there in the beautiful confines of Yosemite."

The cutbacks in the federal budget are part of the problem, the rangers say. Yosemite's budget this year is $15.8 million, up $2 million from five years ago, when there were fewer visitors and more rangers. The park charges admission, $5 a car, and there is a fee for camping. Last year, Yosemite took in $5.4 million in fees and sent it all to the federal treasury—but got back only $920,000 as part of its budget. The rest went to other parks.

BEER AND MARIJUANA

At 11 p.m. Sunday, Ranger Brian Smith, who also is a criminal investigator, pulled over a beat-up Mazda that had a taillight out and was veering over the yellow center line. Smith and fellow ranger Keith McAuliffe were not surprised when they discovered a bag of marijuana and an open can of beer in the car. The driver was well-known to the rangers, who believe that he is one of the many homeless who reside in the park during summer months.

"If we stopped everyone on the road at this time of night, one out of every two would have some dope in the car," McAuliffe said. "And it's not just marijuana anymore. We're seeing more and more methamphetamines (speed) and crack cocaine."

Several rangers privately expressed the fear that if something is not done soon—either an increase in the budget to hire more rangers or a reduction in the evergrowing numbers of visitors—their jobs will become more frustrating, more crime-dominated, more dangerous.

Finley would like to see more restrictions on visitors, although he acknowledges the problems that would entail. Just outside of the park are thousands of small businesses that rely on the tourist dollar for survival. When Finley closed the entire park briefly during the 1993 Memorial Day weekend because of gridlocked traffic, he took considerable heat from the surrounding business community.

"We need to control visitor use in some way," Finley said. "Day-use reservations may be one way. A transit system using buses with reservations may be another. We need to control when people enter the park and how they enter. But it takes big bucks and careful planning to make sure you allocate the park's resources fairly and equitably."

Shortly after noon on Memorial Day, Ranger John Roth walked up to a group of teenage boys who were jumping off of Stoneman Bridge into the Merced River. During the night, the bridge is often used as drug exchange. During the heat of the day, Roth said, there is not enough manpower to keep the kids from jumping into the cool waters below. Every summer, the park counts a

few more jumpers permanently injured with broken necks.

"People come here year after year for the sole purpose of jumping off this bridge," Roth said. "They get very upset at us for prohibiting that. I try to tell them this is not Disneyland or Raging Waters.

"I also try to tell people that they cannot assume Yosemite is a nice, safe place. It would be wonderful to say we can provide people with a safe, criminal-free atmosphere, but we can't provide that. I don't know if we ever can."

In the campgrounds, more and more people arrive. Barbecue fires are lit. Beers opened. The laughter of summer in Yosemite begins again.

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[From Newsweek, Aug. 1, 1994]

NO ROOM, NO REST

(By Jerry Adler and Daniel Glick)

In the summer of 1869, long before the inventions of Gore-Tex parkas and Kevlar kayaks, the great explorer John Wesley Powell led an expedition of 10 men in four boats down the Green River, through the red-rock canyons of what is now southeastern Utah. It was unlike any place he had ever seen before: "a strange, weird, grand region," he wrote; "the landscape everywhere is of rock . . . no vegetation; no sand; no soil." It has taken more than a century, but the American economy in its infinite adaptability has finally figured out a use for all that rock. The smooth, table-flat buttes turn out to be the perfect—in fact, almost the only—place on earth for in-line mountain skating.

Americans, having conquered a continent in the name of Manifest Destiny, are doing it again, this time for fun. They are creating a new landscape for the post-service economy of the future, in which the major industries will be recreation, self-actualization and tourism. But—just like mining and logging—that takes resources, and our reserves of wilderness are being drawn down by the millions seeking a part of it. When rafters, anglers, kayakers and jet-boaters all seek to use the same river, someone must apportion it among them. God-given wilderness will be rationed out, a campsite at a time, by a burgeoning bureaucracy. It will still be possible to see a grizzly bear in the wild; you'll just have to stand in line to do it.

A love of wilderness is said to be deeply ingrained in the American psyche, although the popularity of bus, car and airplane rides to the Grand Canyon suggests that what most people really want is more accurately described as "scenery." In principle, there's plenty of that to go around, although even the Grand Canyon may be reaching its carrying capacity. Twice as many people visited the park last year (nearly 5 million) as a decade ago, and some of them, sitting on the wrong side of packed tour buses, hardly saw anything.

But a comparable explosion of use has also occurred in the backcountry, the remote reaches traditionally inhabited only by bears, black flies and backpackers of an esthetic sensibility so refined that their wilderness experience could be irrevocably impaired by the sight of a discarded tea bag. In just the last four years the number of backcountry camping permits issued by the National Park Service has increased 50 percent, to 2.4 million. "We are in a combat management situation," says Mark Hilliard, national "watchable wildlife coordinator" for the federal Bureau of Land Management, which administers more than three times more land than all the national parks combined.

RELATED PROBLEMS

Hilliard and his counterparts in the National Park Service and the U.S. Forest Service confront two distinct, but related, problems: damage to land, water and wildlife, and the depressing psychological effect on visitors of viewing the wilderness as part of a mob. Environmentalists like to point out that recreation is a nonexclusive use of wilderness, as compared with development. Many people can see the same tree, but it can be cut down only once. On the other hand, the experience of looking at it begins to deteriorate when another backpacker's underwear is drying on its branches. And a tree that has been killed by Sierra Club members tramping over its roots is just as dead as one that met its fate by chainsaw. "Five years ago we were saying that tourism would help us save wilderness," says Del Smith, director of education for the National Outdoor Leadership School. "Today we're not so sure."

No place is safe from the voracity of America's leisure class. A backpacker who makes a spur-of-the-moment decision to hike in California's John Muir Wilderness has to start his trip by camping outside the ranger station all night to be in line for one of a handful of same-day permits (most are given out by mail months in advance). During the run of king salmon on Alaska's Kenai River, "if you have four feet between two fishermen, there's room for two more," says Anchorage resident Steven Nelson, who describes this as "combat fishing." The 1964 Wilderness Act made "an outstanding opportunity of solitude" an officially sanctioned federal goal. But, says Kevin Proescholdt, of an environmental group called Friends of the Boundary Waters, the most popular lakes in the million-acre Boundary Waters Canoe area of northern Minnesota resemble Walden Pond less than a summer camp in the Poconos, with a steady stream of paddlers never out of sight of one another and frequent waits at portages. "It's hard to have an 'outstanding opportunity of solitude' when you're racing another party for the last campsite on the lake," Proescholdt says.

It is not just overpopulation that threatens the backcountry, but a proliferation of new technologies that have turned it into one vast, gravity-powered thrill ride. Just 20 years ago rock-climbing was an esoteric hobby for daredevils, while the notion of wrecking a perfectly good bicycle on a mountain trail would have been viewed as insane. Now both are sports pursued by millions. aluminum-hulled "jet boats" can take 40 people at a time down the rapids of the Snake River on the Idaho-Oregon border and also back up the rapids, filling Hell's Canyon with a roar you can hear for miles. This has given rise to a classic environmental conflict between those who prize the canyon precisely for its remoteness and the much larger number who want to see it in a day and get back to their motor homes in time for "Jeopardy." Each side claimed to be fighting not just for its own interests, but for the sanctity of the environment. The rafters played the trump card of environmental debate, asserting that jet boats disrupt the spawning salmon; the jet-boat guides cleverly retorted that by taking people up and down the river in a day, they eliminate the need to camp along the banks. Last month the Forest Service in its Solomon-like wisdom split the river, prohibiting jet boats along a 21-mile stretch on Mondays, Tuesdays and Wednesdays. The rafters, if not the salmon, can time their excursions accordingly.

More and more, the wilderness seems to lend itself to pursuits once confined to Grosse Pointe or Malibu: long-distance desert golf; surfing in the standing waves at the bottoms of river rapids; in-line skating on desert trails. Ed Cannady, a Forest Service ranger in Idaho, lives in dread that someone will figure out how to use in-line skates on the mountain trails in his region. And that's not even his biggest fear; even worse, he thinks, is the possibility of hikers equipped with Soviet Army surplus night-vision goggles, stumbling around in the dark looking for bears.

"FUN HOGS"

Moab, Utah, is a good place to study this process of disillusionment. "The big [environmental] issue here isn't mining or grazing anymore," according to Grand County Councilman Bill Hedden. "It's industrial-strength tourism." By the hundreds of thousands every winter and spring, "fun hogs," as they are sometimes called in the West, descend on the surrounding countryside, gaping at the arches and towers of red sandstone, scrunching the desert beneath the fat tires of their mountain bikes. Around 300 people road the famous Slickrock Trail a decade ago; last year there were 90,000. In the wake of the bikes come ponderous four-wheel-drive trucks loaded with the tents, coolers, portable showers and lounge chairs the riders require at sunset. The rocks themselves are rugged. But what Powell couldn't see from the river is the thin layer of soil overlying the rock, glued in place by a black crust of microorganisms that can be dislodged by a single bootprint. Canyonlands National Park superintendent Walt Dabney laments that "we truly have the ability to turn this place into nothing but rocks and dirt."

And bikers are only one segment of an industry that includes hikers, nature-study groups, "off-road" vehicles (motorcycles and 4X4s), "all-terrain" vehicles (three-wheeled buggies), horse outfitters and companies that carry disabled people into the wilderness. Their impact would be substantial even if they all behaved responsibly, which of course they don't. In April 1993, when college and high-school breaks coincided with the annual Jeep Safari, thousands of nature lovers descended on the Moab region. In their enthusiasm for the wilderness, they got drunk, started fights and began uprooting trees for their campfires, resulting in a riot that took every law-enforcement officer in Grand County to quell.

The BLM's response was to slap emergency closures on some of the affected trails and campsites. Some people approved, but to others, especially those who sold trips to the area, if you stacked that decision up against communism you could hardly tell them apart. A proposed backcountry management plan for nearby Canyonlands National Park unleashed criticism from every imaginable quarter, including Mormons who objected that a limit on six on backcountry camping parties placed an undue hardship on families of eight or 10. The uproar reached Washington, where Assistant Secretary of the Interior for Wildlife and Parks George Frampton said that the "proposed plan in Canyonlands is likely to be reproposed."

This is a model for a new kind of environmental clash, in which the issue is one kind of recreation against another—a battle, says Joe Higgins of Wilderness Watch, of "the good guys versus the good guys." Higgins's group has been caught up in a complex tangle over restricting use of the Alpine Lakes area. This is a stark, cloud-shrouded wilderness of granite peaks and wildflower-strewn

meadows that has the misfortune to lie only about an hour's drive from Seattle. The Forest Service recently proposed rules that would require permits for overnight use in parts of Alpine Lakes and prohibit unleashed dogs on two trails. In some quarters this was portrayed as an act of the most blatant tyranny and a likely first step toward confiscating people's boots to keep them from stepping on plants in the forest. "Dogs come here for the same reason I do, to run around and be free," said Lynn O'Malley, an ultramarathoner who trains in the area with daylong hikes.

But those who oppose restrictions are probably fighting a losing battle. Among environmentalists, the only debate is whether to call it "rationing" or something else. "Rationing is in the cards," says Wilderness Society president Jon Roush. "It's just inevitable." "Rationing is too tough a word to describe what we're doing." Interior Secretary Bruce Babbitt told Newsweek, "but reservations and allocating backcountry permits—those are indispensable tools." The dissents come mostly from people with a business interest to protect, like Derrick Crandall of the American Recreation Council, who points out that the peak in backcountry use may have already passed. "Don't forget," he says, "the number-one recreational activities for Generation X are shopping malls and skateboards.

But population grows exponentially while wilderness contracts, as Malthus might have observed had he lived in an era characterized by the struggle for recreational opportunities rather than food. Rationing is happening already, on an ad hoc, patchwork basis around the country. One of the best advertisements for the continued existence of nature is the chance to see a grizzly bear in the wild. There are places in Alaska where the bears' appetite for salmon overcomes, for a few weeks a year, their fear of people, allowing anyone to stand within yards of the giant creatures as they pursue behaviors once known only to life-long readers of National Geographic.

Want to go? Of course you do. But you can't just pack your camera and get on an airplane; you need a permit. You can apply for a day-use permit for the Pack Creek area on Admiralty Island, near Juneau, and hope you get your letter in early enough to qualify for one of the 12 daily passes awarded for the six-week season. Or you can enter the lottery for an overnight-use permit at McNeil River, 250 miles from Anchorage; last year more than 2,000 people applied. Or you can sign up with a private concessionaire on Kodiak Island—at some $1,400 for a four-day trip.

Increasingly, land will be allocated like this, and we need guidance. We will have to invent a new science of psycho-ecology, the phenomenology of wilderness experience. Noel Poe, superintendent of Arches National Park, is already trying to come up with a quantifiable measure of solitude. Visitors to Delicate Arch, a spectacular sandstone formation, were shown pictures of the site in various states of crowding, from deserted up to a mob of 100; from their reactions, Poe was able to conclude that the point at which people turned to their spouses and said, We should have stayed in the motel and gone to the pool was reached at approximately 30 visitors. Perhaps we need data points like this for every significant natural site in the United States, a national inventory of our trails, streams, rivers and peaks so they can be allocated with maximum efficiency among backpackers, mountain bikers, helimountain bikers, free climbers, sport climbers, rafters, canoers, kayakers, fly fishermen, bait fishermen, black-power hunters, cartridge hunters, bowhunters, mushroom pickers, photographers and nature writers. We give something up, certainly, in scheduling wilderness like the tees at Augusta National: the freedom to set off into the country at a whim, to explore without worrying about the time limit on our permit. But the alternative is . . . well, a country that can put a man on the moon is probably capable of building a mountain skateboard.

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FEDERAL ROCK: A HARD PLACE

(By Daniel Glick)

Rock-climbing legend has it that celebrated conservationist David Brower installed the first permanent piton in North America. Brower, now in his 80s, confirms that he placed "a half-inch expansion bolt with a hand drill and a hammer" at Shiprock in Arizona in 1939. Fifty-five years later, rock-climbing has become one of the fastest-growing outdoor sports, with an estimated 500,000 adherents. But the sport, and pitons, to which climbers clip their ropes to break falls, have become flash points of controversy. There are about 7,000 "fixed anchors" in Yosemite and 5,000 in California's Joshua Tree alone. These days, they are often installed with cordless electric drills instead of hammers. This proliferation of bolts "offends the mountain," says Brower. "Power drills offend the mountain."

Since the late 1980s, these bolts have also offended environmental groups. Critics complain that climbers flock to established routes, trampling vegetation and leaving chalk marks on the mountain (chalk is used for a better grip). Rock jocks who won't leave so much as a PowerBar wrapper on the trail are incensed at the notion that they might not be conservationally correct. Fixed anchors are essential for safe climbing and descent, they say; to outlaw bolts in some places is to outlaw climbing. Grazing, mining and air strips are allowed in some wilderness areas—and bolts are a menace?

Both the Interior Department and the U.S. Forest Service are currently debating bans on fixed anchors. Meanwhile, former enemies such as The Wilderness Society and the Access Fund, a national climbing group, are seeking common ground. Many climbers agree that power drills should be banned in national parks, and some wilderness advocates say the judicious use of fixed anchors is OK. As for the mountains, and whether they really are offended by modern climbers, we may never know.

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POWER RANGER: MAKING IT WORK

(By Daniel Glick)

A few years back, the U.S. Forest Service floated plans to restrict use of Idaho's 2.1 million-acre Sawtooth National Forest. Warring recreationists in the southern part of the state descended on public-hearing rooms to rail against the idea. Environmentalists complained that motorcycles would tear up the backcountry. Off-road-vehicle users roared objections to that affront. At one such contentious meeting, Ketchum District Ranger Alan Pinkerton stood up. "Don't panic, everybody," he said. "We'll work this out together."

In Idaho, where the Feds own nearly two thirds of the state, residents normally think bureaucrats like Pinkerton are as useful as a broken shovel. But in six years in the district, Pinkerton, 45, has pulled a divided community together and successfully managed his heavily used resources. "He's a little pocket of difference," says Bob Rosso, owner of a local sports shop.

Pinkerton routinely brings feuding recreationists together to explain the stark alternatives to sharing, like closing areas or rationing their use. One positive result: for three years he has successfully imposed a moratorium on trail use during the muddy spring when trails are vulnerable. Because he is a credible voice, "We don't go to court over our decisions," he says.

The longhaired Pinkerton's easygoing ways have prompted mountain-biking wildmen, horse people and motorcyclists to do trail work side-by-side. While other land managers are redrafting 10-year plans for trail use, Pinkerton's crew has actually built more than 20 miles of new mountain-biking trail.

In the forms-in-triplicate world of "Smokey's children," as Forest Service personnel are known, Pinkerton and his rangers stand out. "If Washington doesn't put its heavy hand on them," says Mel Quale, a Twin Falls motorcyclist, "we might be able to work things out." In the ongoing wilderness wars, that would be a rare victory.

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[From Outside, July 1994]

BADLANDS

(By Debra Shore)

"I've gotta go," is how Robert Tranter hastily ended a phone call one Friday afternoon a few months back. "I just got word that there may be another dead body out there." Tranter, a ranger at the Bureau of Land Management's California Desert District, did indeed find a corpse, the 13th discovery by him and his colleagues in 12 months. And as usual, the cause of death—shotgun wounds to the chest—wasn't exactly what you'd call natural.

Most of us view our public lands as happy refuges, places to ditch the bonds of civilization and commune with nature—and why not? The allure of the Great Wilderness Escape, perhaps second only to the American Dream in the national imagination, has been seeded and fertilized by everyone from Henry David Thoreau to L. L. Bean. But in seeking harmony with nature, we often forget that human nature accompanies us everywhere we go, expressing itself in any number of ways: robbery, drunk driving, arson, drug manufacturing, paramilitary training, ammunition stockpiling, sexual assault, and murder—not to mention resource crimes like wildlife poaching and artifact theft. Wallace Stegner got it wrong. Wilderness is not where man is not.

In fact, it's getting a little crowded. More than 273 million people visited the national parks last year, 67 million more than a decade ago. (The system also has added 33 new sites since then.) The number of crimes committed on park property has doubled in the last five years, yet the number of law-enforcement officers—charged with the double duty of guarding resources and babysitting visitors—has decreased by 39. Throw in BLM and Forest Service lands and you've got more than 541 million acres with a combined law-enforcement squad of about 3,600—or about one officer for every 150,000 acres. It doesn't take a genius to do the math. "People who engage in criminal activities have figured out that remoter public lands are accessible to them," says Bill Paleck, superintendent of North Cascades National Park, who in his 27-year career has dealt with everything from suicide to drug smuggling.

Less apparent, perhaps, are the implications for the land itself. "These people problems are keeping us from doing the job we

need to do in cultural and resource protection," says Rick Gale, a 36-year Park Service veteran who now oversees wildfire operations at the National Interagency Fire Center in Boise, Idaho. "We can fix the graffiti on the restroom, but you lose one Anasazi pot and it's gone.

In the report that follows, we've excluded places where criminal spillover is a matter of pure proximity—the Angeles and San Bernardino National Forests on the outskirts of Los Angeles, or Gateway National Recreation Area outside New York, for example. Instead we've focused on the nationally popular locales most plagued—and endangered—by crime. Granted, the vast majority of visitors to these parks, forests, and BLM lands will never experience anything much worse than car vandalism at a trailhead or drunken behavior in a campground. But employ this as a reminder, a compendium of cautionary campfire tales that have a common moral: When you're packing for your annual getaway this summer, it's best not to leave your wits behind. As one ranger puts it, "Criminals go on vacation, too."

JOSHUA TREE NATIONAL MONUMENT

*Mug Shot*

Joshua Tree, where high desert (the Mojave) meets low desert (the Colorado), where cattle rustlers hid their herds and gold miners punched holes in the ground seeking their fortune, has been wild and woolly for a long time. Today the area is besieged by yet another sort of fringe element. As retired San Bernardino sheriff's sergeant Brian English, who worked the area for 20 years, puts it: "I can tell you there are more weirdos per square inch in Joshua Tree, Twentynine Palms, and Yucca Valley than anywhere else. More child molesters too, because of the remoteness." Rangers here have their hands full with a regular witches' brew of troublemakers, including rowdy marines from the base in Twentynine Palms practicing Satanists, amateur arsonists, grave robbers, and combinations thereof.

When they're not busy running down sociopathic soldiers or performing any number of mundane duties like dousing illegal campfires, Joshua Tree rangers update the park's three-inch-thick "weird file," a folder filled with photos and descriptions, from the amusing to the eerie, of unsolved mysteries—such as the 12-foot pentagram decorated with bird wings that ranger Nina Burnell found etched in the sand in May 1993. Why Joshua Tree? Gary Garrett, a longtime backcountry volunteer at the park, ventures a guess: "There's an unwritten acceptance that Joshua Tree has energy centers, though I've never felt them myself. Also, it is convenient to southern California."

*The Facts*

Number of acres: 559,950.

Number of visitors in 1993: 1,256,928.

Number of law-enforcement officers: 14 permanent, 3 seasonal.

Percentage increase in law-enforcement activity over last ten years: 577.

Number of Satanic rock rings found by one back-country volunteer since 1990: 50.

Reported acts of vandalism in 1993: 54.

Average cost of cleaning up one act of vandalism: $151.17.

1994 budget: $2,775,381.

Law-enforcement budget: $559,400.

*Hot Spots*

Hidden Valley picnic area, where in 1992 a young girl and her brother found a booby-trap simulator—a military device with the explosive power of a quarter-stick of dynamite—while playing in the bushes. The device blew up, igniting the girl's clothes. Within the next few weeks four more booby-trap simulators were found in the underbrush, where rangers speculate they were stashed by marines.

Lost Horse Ranger District, where last January rangers discovered that someone had dug up and disheveled the grave of Johnny Lang, a prominent prospector who died on a supply run in the area in 1926. Sifting through the pile of bones and dirt left by the vandals, archaeologists found that the only thing missing was Lang's skull.

Indian Cove Campground, a perennial trouble spot where, during one notorious week in February 1992, two people were arrested for collecting 66 cacti, four people were arrested and charged with burning six picnic tables, county hostage-negotiation team was called in to help catch a man tripping on LSD and mushrooms and screaming for rangers to shoot him, a successful five-hour search was concluded for a lost and inebriated college fraternity member, six marines were arrested for being under the influence of alcohol and for attempting to assault a woman with a burning stick, and a second person was arrested for drug use—the 97th such arrest that year in Indian Cove alone.

*From the Files*

On September 19, 1973, a lethal combination of drugs and alcohol killed musician Gram Parsons, formerly of the Byrds and the Flying Burrito Brothers, in Twenty-nine Palms, a mile outside the national monument. While awaiting transport at the Los Angeles airport, the coffin containing his remains was stolen; a day later, at a turnout near Cap Rock, a maintenance worker at Joshua Tree came upon Parson's flaming corpse, which burned a stain into the ground that remained visible for two full years. Two friends of Parsons later pleaded guilty to the misdemeanor theft and received suspended 30-day sentences. For some time afterward, groupies would visit the spot with spoons to try to scoop up souvenirs; nowadays, the occasional fan still places flowers on the site.

LAKE MEAD NATIONAL RECREATION AREA

*Mug Shot*

Of the 367 sites in the national park system, Lake Mead National Recreation Area has the dubious distinction of being the one where you're most likely to trip over a corpse. This morbid trend peaked in 1982, when 54 bodies were found within park boundaries; in 1993, Lake Mead still accounted for a quarter of the system's 160 recorded fatalities. Granted, most of the deaths have been the result of accidents (over the last 23 years, at least seven people have drowned here after jumping out of boats to recover their hats), but 53 violent crimes—homicides, rapes, assaults—have been recorded over just the last two years. Drunkenness, hooliganism, and proximity to Las Vegas (a 45-minute drive) add to the atmosphere of mayhem. "I'm an ex-marine and I went into park work because I didn't want to get into rough-and-tumble police work," says 15-year veteran ranger Bob McKeever. "But here I've been in a dozen foot-chases with wanted felons. I had a vision of sitting on a horse atop a mountain pass, watching eagles and moose. It hasn't turned out that way."

*The Facts*

Number of acres: 1,510,216.

Number of visitors in 1993: 9,256,520.

Number of law-enforcement officers: 45 permanent, 11 seasonal.

Number of arrests in 1993: 609.

Number of violent crimes: 13.

Number of fatalities: 38 (17 drownings, 5 suicides, 3 boating accidents, 2 motor-vehicle accidents, 9 of natural causes, 2 undetermined).

Number of drownings involving drugs or alcohol: 5.

Number of corpses discovered by visitors: 5.

1994 budget: $10,805,370.

Law-enforcement budget: $3,060,000.

*Hot Spots*

The Cliffs, on the edge of Lake Mead's 33 Hole (so named because "10-33" is law-enforcement code for an emergency situation), the site of 30 drownings since 1975, almost half of them alcohol-related. In the seventies and eighties, rangers routinely wore riot helmets to shield their heads from full beer cans hurled by surly drunks. "We used tear gas and tactical techniques to take the place over," recalls chief ranger Dale Antonich. "We still only go in with at least three rangers—two to walk around and one to guard the car."

The New Cliffs, at mile marker 4.2 on Upper Gypsum Wash Road. When Lake Mead rises, some of the Cliffs crowd migrates to this spot, from which they periodically pelt rangers and passersby with rocks.

Gasoline Alley, a small bay near Katherine's Landing on Lake Mohave, accessible only by boat. On spring and summer weekends, the entrance to the bay is choked with college students drinking copious amounts of alcohol. "They use gigantic water-balloon slingshots to knock our people out of their boats," says Antonich.

Remote mile marker 8.0 on the north shore of Lake Meade, where in March 1993 a visitor from Scotland shot and wounded a couple who were camping at the spot he had chosen to commit suicide. "There's places around there I wouldn't go without a gun," says ranger Tom Velenta, "and I'm a law-enforcement officer."

*From the Files*

On July 6, 1993, Barry Barnett, 38, of Laughlin, Nevada, met Michael Bertram, 40, of Bullhead City, Arizona, at a weekend-long beach wingding near Katherine's Landing. Though they'd been arguing for most of the party, when it broke up the pair borrowed a boat to go out and tow each other on Barnett's surfboard. Bertram returned the boat alone, noting casually to its owner, "I think I killed the little surfer dude." Two park visitors found Barnett's body floating near the Katherine's Landing water-intake barge on July 14. Charges of negligent homicide and reckless endangerment were filed against Bertram, who had fled to Florida, though for two months, according to park investigator Ernie Soper, "Nobody had money to bring him back for prosecution."

In October U.S. Marshals did finally haul him back—for violation of probation: Bertram had previously been cited for driving under the influence within park boundaries. As of early May, he was in prison in Florida awaiting trial in the Barnett case.

DANIEL BOONE NATIONAL FOREST

*Mug Shot*

Local pranksters thwacked the nail on the head a few years ago when they amended one of the entrance signs to read, Daniel Boone National Pot Forest: Nearly half of the marijuana plants confiscated on national forest land last year were grown here. Authorities reaped and burned 248,487 plants from 4,591 plots around the forest and ferreted out 38 booby traps, including steel bear traps, punji sticks, dynamite, and fishhooks strung across trails at eye level. The good news:

That's way down from the 145 traps found in 1989.

Daniel Boone's status as dope capital of our public lands is no surprise, in historical context. During World War II, under a federal incentive program, farmers in this part of southeastern Kentucky were paid to grow marijuana plants for the hemp fiber used to make rope, and it's still widely acknowledged as a vital part of the local economy. "We were interviewing an elderly gentleman whom we'd just arrested for cultivating marijuana," says the forest's special agent in charge of eradication, "and there in his patch I said to him, 'Now what in the world are you doing here? You're three counties away from your residence!' And he looked at me and said, 'Sonny, all the good places over there were taken.'"

*The Facts*

Number of acres: 681,923.

Number of visitors in 1993: 5,261,700.

Number of law-enforcement officers: 16.

Number of joints per visitor that could have been rolled with marijuana destroyed in 1993: 42.9.

Approximate total hours of intoxication that could have been provided by marijuana destroyed: 451,500,879.

Approximate street value of marijuana destroyed: $248,400,000.

1994 budget: $13,525,864.

Law-enforcement budget: $1,053,800.

*Hot Spots*

Leslie Clay, and Owsley Counties, in the extreme southeastern part of the forest. This is the location of most of the 180,000 acres designated as "constrained," meaning the law enforcement always goes in with backup. Each year a dozen or so visitors to these areas report that they've been told at gunpoint they'd best pitch their tents elsewhere. Growers are less polite with the feds: During the 1992 growing season, they shot at a Kentucky National Guard truck used to refuel drug-surveillance choppers.

*Form the Files*

In Kentucky, the religion that is high school football holds services on Friday night, and for ten years Archie Powers was its high priest—which is to say, he was the head coach at Corbin City High School, a long-time powerhouse that brought home the state title twice under his guidance. When Powers resigned in 1982, he rode his popularity into the office of judge executive of Whitley County. From this new pulpit, he and a partner extended a hoe to a bit of his jurisdiction in southern Daniel Boone National Forest and raised about a thousand marijuana plants. Upon his indictment in 1990, the cry swept across the land: "My God, my boys played football for him!"

BIG BEND NATIONAL PARK

*Mug Shot*

The extreme poverty of the Mexican hamlets across the Rio Grande, coupled with the fact that only five or six rangers patrol the park at any given time, makes for a lot of conflict in and around Big Bend. Twice in recent years, snipers on the Mexican side have taken potshots at rafters on the Rio Grande; in 1988, a man was killed and his wife and guide wounded by a teenager on the bluffs above Colorado Canyon, 15 miles from the park entrance. A more typical consequence of the border tension, however, is car breaking. "It's very easy for someone to ride across the river on a horse, hit a vehicle, and go back across," says chief ranger Jim Northup. "You'd be surprised at what they take. A lot of the stuff that's stolen is the kind of stuff needed for basic subsistence—water jugs, gasoline, tires, kerosene lanterns."

But the predominant concerns is smuggling. Though its border makes up 13 percent of the international boundary with Mexico, there is no customs port of entry in the park. As a result, an inestimable quantity of drugs, animal pelts, household appliances, auto parts, stereo equipment, and construction materials—not to mention illegal aliens—sneak past rangers and the Border Patrol each year. In 1993, ranges stopped four pickups hauling 500 boxes of frozen chicken parts, a bust that turned into a logistical nightmare. "If they had spoiled, we would have been liable," says assistant chief ranger Roger Moder. "We had to track down a food locker 100 miles away."

*The Facts*

Number of acres: 801,163.

Number of visitors in 1993: 330,741.

Number of rangers: 13.

Number of car break-ins reported: 36.

Number of illegal aliens caught: 31.

Number of fox and bobcat pelts stuffed into a spare tire confiscated by rangers on January 31, 1994: 20.

Pounds of marijuana confiscated on same bust from a different tire: 23.

Street value of drugs seized in or near the park in 1993: $5,034,601.

1994 budget: $3,564,400.

Law-enforcement budget: $690,000.

*Hot Spots*

San Vicente Crossing, the preferred port of entry for less-than-legitimate trade with Mexico. "The Cavalry," a group of 30 or so mounted Mexican men, some with machetes slung from their saddles, hangs out on the park side of the Rio Grande and, for $50 a pop, provides an informal towing and ferrying service for vehicles crossing in either direction, no questions asked.

Dominguez Springs Trailhead and the adjacent parking area, two hours from the nearest paved road and a favorite spot for car looters. Rangers often observe hoofprints around the unlucky visitors' cars, which leads them to believe that the thieves come from across the river.

*From the Files*

In July 1991 the body of 26-year-old Donald Tate was found in the southeastern part of the park in a desolate area along the Rio Grande. Tate's teeth were broken, his finger pads were missing, and his skull was fractured. The corpse of his five-year-old daughter was found in his burned-out van several miles away.

Smuggling-related theories abound, though some rangers think Tate was just in the wrong place at the wrong time. Less plausible is the theory that a campstove fire in the van burned Tate, who ran to the river to extinguish himself, expired there, and got washed downstream. "There's some speculation that his finger pads were nibbled by turtles," says ranger Moder, "but then there's the blow to his head . . ."

EVERGLADES NATIONAL PARK

*Mug Shot*

The Coast Guard and the U.S. Customs Bureau have been less of a presence in south Florida since a massive drug sweep in the eighties cleaned up the region's murky backwaters. As a result, a dispersed, harder-to-track drug trade is reestablishing itself in the park. "It was pretty easy when the stuff was stacked up ten feet high and 20 feet long," says ranger Mike Mayer. "Now it's in much smaller loads, and it's getting harder and harder to stop it."

It doesn't help that just four rangers patrol several hundred square miles of the most tangled territory, or that a new trouble spot has emerged to divert their attention: East Everglades, a 107,600-acre crazy quilt of private and federal land recently appended to the park. The problem there isn't smuggling but rather general gun-happiness. "I can show you refrigerators and hulks of cars that look like cheesecloth," says ranger Bob Panko, "and mounds of shell casings on the ground." Just last fall, a wealthy Miami businessman was cited for helicoptering a few pals out to the Chekika Access Area to test out an impressive variety of toys, among them a .50-caliber Desert Eagle pistol, two nine-millimeter pistols, a .454 revolver, and a single-shot pen gun. "The people out there shoot at virtually anything," says ranger Ben Morgan. "On the Fourth of July, it reminds me of Vietnam."

*The Facts*

Number of acres: 1,506,539.

Number of visitors in 1993: 1,061,000.

Number of law-enforcement officers: 35 permanent, 6 seasonal.

Drugs confiscated in 1987: 474 bales of marijuana, 135 balls of hashish.

Drugs confiscated in 1993: 211 grams of marijuana.

Number of weapons offenses in 1987: 15.

Number of weapons offenses in 1993: 191.

1994 budget: $10,356,300.

Law-enforcement budget: $1,414,200.

*Hot Spots*

The Ten Thousand Islands, on the Gulf Coast near Everglades City. Though fewer antics go on here than in the past (between 1983 and 1987, more than a hundred residents of Everglades City were arrested by DEA or customs agents), this network of mangrove islands is still believed to be a popular conduit for illicit substances—especially in smaller quantities. Rangers and non-park officials all declined to discuss intelligence reports that indicate the estimated amount of drug traffic through the region. "By the nature of our geography, we're very susceptible to smuggling by vessel and by air," says Richard Crawford, who heads the DEA office in Fort Myers. "We can never totally stop it."

East Everglades, near the end of Southwest 237th Avenue, an overgrown marsh originally slated for development but never drained. "We have seen or seized just about every type of weapon ever made up there—M-16s, AR-15s, AK-47s, even a grenade launcher," says Morgan, who was once fired upon while flying a helicopter over the area.

*From the Files*

On the afternoon of July 1, 1992, observers at a customs intelligence facility in Richmond Heights spotted a twin-engine Piper Aerostar flying low from the Bahamas toward the eastern United States and dispatched a helicopter and a plane to tail it. The two aircraft followed the Aerostar to a spot above a landing strip west of Homestead, at which point confederates on the ground are believed to have notified the Aerostar's pilot of his pursuers. Before the pilot and passenger were finally apprehended at Homestead General Aviation Airport, they wheeled around and flew back across the park, jettisoning their entire cargo—some 16 bundles of cocaine worth about $2.5 million apiece. Ten were recovered: Eight splashed down in the Everglades backcountry, one landed on a Homestead church, and the last crashed into a house next door to a neighborhood crime-watch meeting, where the Homestead police chief was concluding his speech.

BUREAU OF LAND MANAGEMENT CALIFORNIA DESERT DISTRICT

*Mug Shot*

Given that a ranger's beat here can cover as much as a million acres, it's a safe bet that there's a whole lot going on that the authorities will never see. Nevertheless, they see plenty: In 1993, rangers discovered 12 corpses—one without a head or fingers—scattered about the district. In the Barstow Resource Area, where seven of the bodies were found and where the evidence locker is full of assault weapons, a paramilitary group called the Confederate Mexican Army has been conducting boot camp. "Their goal is to take back southern California, basically," says ranger Jerry Bronson. In June 1993, in the Ridgecrest Resource Area, a group of Japanese-Americans, possibly affiliated with the Japanese mafia known as the Yakuza, was observed running armed drills on a mining claim near Red Mountain.

Other nuisances have included Charles Manson, who was apprehended in the Panamint Range in 1969; a methamphetamine lab found in the Orocopia Mountains in 1989; skinheads holding periodic armed rallies in the southern Panamint Valley; and the instant city that routinely springs up on holiday weekends at Imperial Dunes, where dune buggies tear up the turf and their drivers tear up one another. "They've been riding hard," explains ranger Bob Zimmer, "and they're dirty, and they just finally piss each other off to the point where they may stab each other."

*The Facts*

Number of acres: 12,500,000
Number of visitors in 1993: not available
Number of law-enforcement officers: 60
Average number of weapons on each person encountered by rangers: 4
Number of guns confiscated in 1993: 150
1994 budget: $17,000,000
Law-enforcement budget: $2,660,000

*Hot Spots*

• The areas off Boulder, Hodge, and Sidewinder Roads in the Barstow Resource Area. These places have become post-apocalyptic shooting galleries identifiable by piles of debris—and dead bodies: Three of the seven corpses found in Barstow last year were found here.

• Corn Springs, in the Palm Springs South Coast Resource Area. In the first four months of this year, rangers seized four sawed-off shotguns and 15 assault weapons here. Two years ago they dug up a cache of stolen explosives, possibly linked to the ongoing bombings of wild animals in the area by clubs of "varminters." "They love to blow up and kill wildlife," marvels ranger John Blachley. "They will shoot it and then hang it up and continue to shoot it. It's kind of strange."

*From the Files*

One Sunday afternoon in December 1993, a visitor from New Zealand was hiking the Sheep Spring Oasis Trail in the Palm Springs South Coast Resource Area when he was hailed by someone in a pickup truck claiming to be stalled. When the hiker approached, he was shot twice in the torso, then robbed of his shoes and money and left for dead. He managed to drag himself to Interstate 10, seven miles away, where he flagged down help.

GRAND CANYON

Grand Canyon Village, on the South Rim, is home to more than 1,100 employees of Grand Canyon National Park Lodges, aka the Fred Harvey Company, the park's primary concessioner. In March, the employee rec center burned down, leaving even fewer social opportunities for staffers who already had "no other option but to sit around and drink all evening," says ranger Dave Brennan. Indeed, about 80 percent of the 140 concession-worker arrests last year were alcohol-related. Fortunately, no one's killed a visitor since 1984, when a newly divorced and distraught mule handler shot a man in the bar at El Tovar hotel on the South Rim. Stealing, however, has remained a steady pastime: Last September, police in Idaho apparently brought an end to a string of nearly 100 park burglaries (40 in Grand Canyon) when they arrested a suspect in several car break-ins at Yellowstone and Grand Teton. The man, who has confessed to stealing from four rooms at Grand Canyon, had worked there as a hotel supervisor.

On the creepier side, last winter an Arizona Highway Patrol officer pulled over a concession employee for a moving violation and discovered that he was wanted by the FBI in California for sexual assault and kidnapping. At the time he was working as a host at El Tovar.

YELLOWSTONE

Concessions at Yellowstone are handled by TW Recreational Services, which seems to make a business of relying on unreliable people: To get the 2,300 workers it needs for peak season, it hires 2,900; last year, 1,400 employees left before their terms were completed, and 300 were fired. The hot spots, not surprisingly, are the five employee pubs. "They are cesspools," declares ranger Pat Ozment. "That's where almost all our arrests originate." Sixty of the 90 arrests in Yellowstone last year involved concession employees, and Ozment estimates that 90 percent of them involved alcohol. In addition, all five sexual assaults that occurred in the park, including two on mentally handicapped female workers, were committed by TW employees, and one worker fired last summer for "poor performance" turned out to be one of the major car looters in the area.

YOSEMITE

Out of the 201 Yosemite concession employees that Ron Hamann studied, 129 had been arrested for alcohol-related offenses or burglaries, or both—84 of them for the second (or third or fourth) time. Fifty-four of those 129 had prior arrest records for theft. Such repeat offenses are almost ridiculously common. "Why are they making people housekeepers who were involved in the past in property crimes?" asks law-enforcement chief Jeff Sullivan. Over the last ten years more than a quarter of all arrests in the park involved concession workers, busted for everything from drunkenness to domestic disputes to drug dealing.

The current concessioner. Yosemite Concession Services Corp. (which replaced the Yosemite Park and Curry Co. in October 1993), employs 1,850 people, including 1,200 who still live in trailers, tents, and run-down dorms in the seven-mile-long, half-mile-wide Yosemite Valley. The company has placed added emphasis on pre-employment drug testing and criminal-history background checks, and has hired a consultant to work on "community health promotion."

GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA AND TENNESSEE

This is a drive-through park, so it's not surprising that much of the crime involves vehicles. In one sad case, a drunk driver collided head-on with an elderly couple, killing the husband. More of a threat to the average visitor, though, is the flotsam that cruises the major thoroughfare, U.S. 441, looking for cars to steal or loot. Bobby Joe Phillips, who's been linked to 114 break-ins in the region, was arrested in the park for the third time last November. Last year the park recorded 152 break-ins and six auto thefts, but criminal investigator Bill Acree estimates that half the break-ins go unreported. Be especially careful at the Davenport Gap trailhead in Cocke County, Tennessee—known locally as the chop shop capital of the East Coast.

DESCHUTES NATIONAL FOREST, OREGON

"Thirty percent of the people we contact have a warrant out for their arrest," says special agent Ron Pugh. Most of these unsavory characters are attracted to the area because it's prime hunting turf for entrepreneurs seeking valuable wild mushrooms, most notably the matsutake, worth anywhere from $10 to $600 a pound. These pickers are secretive about their favorite spots, work for cash, and are reluctant to report conflicts to the authorities. Hence forest law-enforcement officers were unable to prove—or disprove— rumors that four Asian pickers were killed last season. (It's fact, however, that one was murdered in the fall of 1992.) Pugh also predicts conflicts between game and mushroom hunters this fall. "The hunters are trying to sneak through the brush quietly. The pickers yell and shoot into the air to communicate," he explains. "This is obviously not an ideal situation."

OUACHITA NATIONAL FOREST, ARKANSAS AND OKLAHOMA

Ironically enough, here in Clinton's home state sprawls one of the top five national forests in marijuana cultivation. Last year a drug interdiction team made 14 felony arrests and eradicated 41,938 marijuana plants from 1,936 sites. In 1992, agents found eight booby traps at five sites in and just outside the park. Law-enforcement officers have also discovered a rifle attached to a trip wire, a bear trap, and fishhooks strung at eye-level. Hot spots in the last three years have been along the Arkansas-Oklahoma line, though more growers are moving onto paper-company inholdings: Weyerhaeuser alone owns (and rarely polices) 600,000 acres within the 1.7-million-acre forest.

BLM LAS VEGAS DISTRICT, NEVADA

The city of Las Vegas casts more than its lurid neon glow into the surrounding desert. The malcontents who frequent the 6.6 million acres that radiate from the city will shoot anything that moves and much that doesn't: parked cars, utility poles, wild horses, one another. Last November, three members of the 28th Street Gang were caught practicing drive-by shooting with silhouette targets on a side road. Chief ranger Randy August estimates that half of the incidents dealt with by his staff involve weapons. The magazine Soldier of Fortune hosts its annual gathering of would-be mercenaries and commandos here, natch.

ORGAN PIPE CACTUS NATIONAL MONUMENT, ARIZONA

Rangers at this lonely monument, which shares 31 miles of international border with Mexico, estimate that they detain 15 to 20 illegal liens a month and that the $3.5 million worth of drugs they confiscated last year was only about 8 percent of what actually came through. On New Year's Day 1993, rangers found 154 pounds of marijuana hidden near an employee housing complex—and three armed men casing the area dressed in full camouflage gear. And last April, rangers and

the Border Patrol concluded a five-week series of busts in which more than 600 pounds of pot were confiscated, mostly from backpackers en route to drop-off points along Arizona 85.

OLYMPIC NATIONAL PARK AND NATIONAL FOREST, WASHINGTON

In October 1993, a park crew unearthed $702,500 Canadian buried in five canisters on the park's coastal strip—later determined to be a fraction of the profits from an estimated 25 tons of hashish smuggled in through the area the year before. In 1991, investigators also found a methamphetamine lab, a hash-oil processing facility, and two marijuana grow-rooms on a five-acre private inholding near Quinault Lake—and have yet to deal with the chemical residue that drained into the ground 30 feet from a stream. Park rangers have made 116 drug busts in the last three years on park roads and in campgrounds, while local addicts have taken to mugging the adjacent forest, felling and selling cedar to feed their habits. What they're leaving behind isn't great either: Law-enforcement officers have learned to step lightly in the Sol Duc District, where this year alone they've found more than 240 used hypodermic needles. Last but not least, five sexual assaults have been reported in the park in the last two years, including a case in which a concession employee attacked a 16-year-old visitor.

MOUNT HOOD NATIONAL FOREST, OREGON

Just 20 miles from Deschutes National Forest, this is a playground for a different breed of miscreant. Cruise Oregon 224 above the Clackamas River near North Fork Reservoir and check out the bull's-eye and photographs tacked up by Portland gangs for drive-by target practice. Anyone remotely interested in a family camping experience should avoid the vicinity of Babgy Hot Springs, 65 miles from Portland, between 4 p.m. and 10 a.m., when weapons-toting neo-Nazis and a variety of gangs occasionally butt heads. But Larch Mountain, adjacent to the Columbia Gorge National Scenic Area, is the forest's most popular shooting gallery. You can't miss it: The trees look like they've been mowed down with a .60-caliber machine gun.

□ 1100

Mr. McCANDLESS. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that all time for debate on this amendment and all amendments thereto end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. CALVERT. Reserving the right to object, Mr. Chairman, I have several speakers who would like to speak to this amendment, and, therefore, I object.

The CHAIRMAN. Objection is heard.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from California [Mr. CALVERT]. I think it is a commonsense amendment like the amendment that he authored to allow our drug enforcement agencies and other law enforcement agencies to at least enter with vehicles the proposed wilderness areas that about the Mexican border, areas that we know will be used by drug smugglers, if we do not allow entry by law enforcement people. That is commonsense. I think this amendment is commonsense.

It goes to the practical problem that we have right now of trying to fund existing programs, fund existing infrastructure. It goes across the array of American programs and institutions. And we are trying to fund existing programs with existing dollars, and it does not make a lot of sense to create a new drain on the Federal treasury at a time when we are undercutting and under funding programs that we put in place, especially with respect to the National Park Service over the last five or 10 years.

I want to ask my friend, the gentleman from California [Mr. CALVERT] a couple of questions.

How many thousand acres of authorized but unacquired lands do we have right now in California?

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. CALVERT. As I understand, there is approximately 22,000 acres alone in California that have been authorized but not acquired.

Mr. HUNTER. I thank the gentleman. So right now we are 22,000 acres in the hole in terms of coming up with the dollars to fund and, at the same time, we are looking at, as I understand it, I would like the gentleman to verify my figures, I have been given figures that say that the Presidio has a one-time conversion cost, former military base, one-time conversion cost that ranges from $702 million to $1.2 billion. Is that accurate?

Mr. CALVERT. Mr. Chairman, if the gentleman will continue to yield, that is accurate. According to the GAO that is an accurate number.

Mr. HUNTER. So we have in that one conversion cost alone, close to a billion dollars. The Desert bill, as I understand, has been, the cost has been capped at something like $336 million, but that presumably is to come on top?

Mr. CALVERT. That is on top of the Presidio.

Mr. HUNTER. I think the gentleman is making a good point. We are hearing more and more from our constituents that the National Park Service is strained, is stretched very thin, that people are not getting the service when they go to our national parks that they got, that they at least perceived that they got 10, 15, 20 years ago.

Part of that is the fact that we are trying to move dollars that should be going to current operations, trying to move dollars into new land acquisition. So I think the gentleman has an excellent point here.

I understand that 367 existing units of the National Park Service are on the verge of collapse due to existing funding shortfalls; is that correct?

Mr. CALVERT. That is correct, according to the National Park Service.

Mr. HUNTER. Let me ask the gentleman, has the National Park Service come up with any way in which we are going to be able to accommodate all of these spending requirements that we have just enumerated, the acquisition of the 22,000 acres, the 367 existing units of park service that are experiencing funding shortfalls? How are we going to be able to accommodate all of those drains or those requirements for dollars and still fund the desert bill? Have they come up with an answer?

Mr. CALVERT. As my friend from California knows, there is no money, to answer that question.

Mr. HUNTER. I thank the gentleman. I think he is offering a very commonsense amendment, and I would hope that it would pass.

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, let me just state, I think this amendment is quite mischievous. It is hard to really take it seriously when you look at the numbers that have been bandied about here, none of which are accurate.

I would like to point to the situation in my district, where I represent Kings Canyon-Sequoia Parks as well as Yosemite. I have heard figures of up to $605 million in backlogs in acquisitions in those parks. That is totally untrue.

In fact, the people who run those local parks say they have no idea how an exaggerated number like that was obtained. The larger fact here is that most of the people who own land within those parks do not want to sell their property. Certainly that is the case with Yosemite and in Kings Canyon-Sequoia as well. They enjoy owning land within the park. It is quite prestigious just to have, and they like passing it down within their families.

Many have been tremendous impediments to acquiring any lands even if this Congress saw fit to try to appropriate the money to do it in the first place.

Also, I really think we have to consider here the tremendous value these parks have brought to the local community. No one, no businessman in Mariposa or in three Rivers and Tulare Counties and areas adjacent to these parks would want to go back to a time when they did not have the park.

The park has been a tremendous economic boom to the local area there, providing a lot of revenue and a lot of jobs. This amendment in the name of

waiting until property could be purchased by the Federal Government, in many instances from sellers who do not want to sell it, would undo all the advantages of having a park in the local area.

There has been adequate money in our budgets for construction and for long-term planning in the parks. Operations have not been a problem. But to say that we are going to wait until we acquire all the land that over time may have been authorized for acquisition regardless of whether or not, or half of it in this instance, regardless of whether or not anyone wants to sell it on the other side I think would be foolish.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Minnesota.

Mr. VENTO. I think the gentleman has referred, to the land-water conservation fund and the historic preservation fund, there is over a billion dollars a year flowing to the Federal Government, it is intended to be made available from the Outer Continental Shelf oil and gas leases that are supposed to be used for land purchase purpose.

The gentleman raised a very important point in terms of in-holdings that have been in the park system since it was created in 1916. Individuals on a willing seller-willing buyer basis are not interested in selling in many instances. The park service has decided that some inholdings, their presence is not a problem. But this amendment would put them into the equation as part of the consideration of the backlog. I guess for technical reasons they are part of it; for practical reasons, they are not.

The other point most importantly is that Congress has not seen fit, it has taken, diverted the LWCF/HPF money that is supposed to go for the Park Service and put it into other sources. This type of amendment just aids and abets that type of diversion of money from the Park Service. This is not a friendly amendment to the Park Service. This does not help in creating the legacy and the heritage of natural resources and cultural resources that this Nation and future generations deserve. This defeats it. This postpones it.

This land, we will not know in 20 years, if we do not act today. This is urgent. This needs to be set aside for the American people today, not in 20, 30, or 40 years, it will be lost.

Mr. LEHMAN. I thank the gentleman for his comments. I agree with him, and I urge rejection of this amendment which does unnecessary harm to the legislation and is really not based on the facts out there.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment that has been put forward by my colleague from California. The National Park System has been called our Nation's best idea ever. Our national park ethic has never failed to look to the future by protecting and preserving our history and heritage. Part of this has been taking on the responsibility of managing new areas for the benefit and enjoyment of current and future generations. This amendment would indefinitely postpone protecting the California desert region which, of course, is the true intent of its supporters.

□ 1110

I do not deny the importance of reducing the National Park Service's backlog and I thank my colleagues for raising that issue. But we vote on the budget for the National Park Service in the appropriations process. The Committee on Appropriations makes a recommendation to the House as to what our priorities are for the Department of Interior for the following fiscal year. I do not recall any of the proponents of this amendment making a proposal to increase the National Park Service budget for land acquisition, construction or operations. It is our job in Congress to work with the administration to solve this problem. The Department of Interior considers earlier estimates of Park Service construction and infrastructure backlogs to be very unreliable because they included unauthorized projects and others which are not part of park management plans. The department has testified before Congress that it is preparing a full report on these backlogs using more accurate information. The Department of Interior as I understand also intends to include in that report a proposed method for providing the funds necessary to resolve any backlog identified.

The time to solve this problem, working together, is when we have that accurate data. I urge my colleagues to analyze that data and make a focused effort to reduce the backlog. This amendment does not do that. What this amendment does is to block the implementation of a bill that the majority of our fellow Californians support. I urge its defeat.

Mr. POMBO. Mr. Chairman, I rise in support of the amendment, and I yield to the author of the amendment, the gentleman from California [Mr. CALVERT].

Mr. CALVERT. Mr. Chairman, I place in the RECORD the statistics and data from the National Park Service showing the shortfall of dollars for construction, land acquisition and operating costs, as follows:

NATIONAL PARK SERVICE BUDGET SHORTFALLS

| Program | Shortfall |
|---|---|
| Land acquisition | $1 to 3 billion. |
| Major facility repair/construction | $6 billion. |
| Annual park operations | $375 million. |
| Total shortfall | $7.4 to $9.4 billion. |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| Abercrombie (D–HI–1st) | U.S.S. *Arizona* Memorial | $686 | $0 | $0 | $686 |
| Total shortfall | | | | | 686 |
| Allard, Wayne (R–CO–4th) | Bent's Old Fort National Historic Site | 71 | 258 | 0 | 329 |
| | Rocky Mountain NP | 1,597 | 5,385 | 33,828 | 40,810 |
| Total shortfall | | | | | 41,139 |
| Bacchus, Jim (D–FL–15th) | Canaveral National Seashore | 617 | 0 | 3,506 | 4,123 |
| Total shortfall | | | | | 4,123 |
| Baker, Bill (R–CA–10th) | Eugene O'Neill National Historic Site | 92 | 0 | 0 | 92 |
| | John Muir National Historic Site | 172 | 200 | 0 | 372 |
| Total shortfall | | | | | 464 |
| Ballenger (R–NC–10th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Blue Ridge Parkway | 9,245 | 11,797 | 25,800 | 46,842 |
| Total shortfall | | | | | 81,842 |
| Barrett, Bill (R–NE–3d) | Agate Fossil Beds National Monument | 106 | 0 | 2,921 | 3,027 |
| | Scotts Bluff National Monument | 212 | 8 | 0 | 220 |
| | Niobrara River | 0 | 0 | 0 | 0 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| Total shortfall | | | | | 3,247 |
| Bartlett (R–MD–6th) | Antietam NB | 321 | 2,190 | 8,036 | 10,547 |
| | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Catoctin Mountain Park | 887 | 114,856 | 35,325 | 152,248 |
| | Chesapeake and Ohio Canal National Historic Park | 2,067 | 114,856 | 35,325 | 152,248 |
| | Harpers Ferry National Historic Park | 328 | 2,585 | 38,928 | 41,841 |
| | Monocacy NB | 62 | 24,204 | 5,660 | 29,926 |
| Total shortfall | | | | | 270,449 |
| Bateman (R–VA–1st) | Assateague Island National Seashore | 870 | 3,076 | 30,502 | 34,448 |
| | Colonial National Historic Park | 818 | 50 | 66,383 | 67,251 |
| | Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park | 807 | 40,617 | 22,233 | 63,657 |
| | George Washington Birthplace National Monument | 49 | 100 | 0 | 149 |
| | Richmond NBP | 874 | 0 | 23,800 | 24,674 |
| Total shortfall | | | | | 190,179 |
| Beilenson (D–CA–24th) | Santa Monica Mountains National Recreation Area | 4,080 | 102,131 | 1,310 | 107,521 |
| Total shortfall | | | | | 107,521 |
| Bentley (R–MD–2d) | Hampton National Historic Site | 111 | 1,500 | 8,000 | 9,611 |
| Total shortfall | | | | | 9,611 |
| Bereuter, Doug (R–NE–1st) | Homestead National Monument of America | 16 | 0 | 0 | 16 |
| | Niobrara/Missouri NRA | 0 | 0 | 0 | 0 |
| Total shortfall | | | | | 16 |
| Bevill, Tom (D–AL–4th) | Little River Canyon National Preserve | 500 | 6,000 | 0 | 6,500 |
| Total shortfall | | | | | 6,500 |
| Bishop (D–GA–2d) | Andersonville National Historic Site | 140 | 0 | 7,400 | 7,540 |
| | Jimmy Carter National Historic Site | 79 | 20 | 0 | 99 |
| Total shortfall | Ocmulgee National Monument | 104 | 0 | 0 | 104 |
| Bliley, (R–VA–7th) | Maggie L. Walker NHS | 440 | 0 | 2,500 | 2,940 |
| | Richmond NBP | 874 | 0 | 23,800 | 24,674 |
| | Appalachian | 0 | 35,000 | 0 | 35,000 |
| | Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park | 807 | 40,617 | 22,233 | 63,657 |
| | Shenandoah NP | 1,695 | 0 | 85,751 | 87,446 |
| Total shortfall | | | | | 213,717 |
| Boehlert (R–NY–23d) | Fort Stanwix National Monument | 33 | 0 | 0 | 33 |
| | | | | | 33 |
| Bonilla (R–TX–23d) | Amistad National Recreation Area | 418 | 250 | 4,500 | 5,168 |
| | Big Bend NP and Rio Grande W and S River | 152 | 0 | 40,300 | 40,452 |
| | Fort Davis National Historic Site | 236 | 0 | 0 | 236 |
| | Guadalupe Mountains NP | 168 | 952 | 3,100 | 4,220 |
| Total shortfall | | | | | 50,076 |
| Borski, Robert (D–PA–3d) | Independence National Historic Park | 934 | 0 | 97,500 | 98,434 |
| | Thaddeus Kosciuszko National Memorial | 38 | 0 | 0 | 38 |
| | Edgar Allen Poe National Historic Site | 22 | 0 | 0 | 22 |
| Total shortfall | | | | | 98,494 |
| Boucher, Rick (D–VA–9th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Shenandoah National Park | 1,695 | 0 | 85,751 | 87,446 |
| | Blue Ridge Parkway | 9,245 | 11,797 | 25,800 | 46,842 |
| | Cumberland Gap National Historical Park | 900 | 0 | 0 | 900 |
| Total shortfall | | | | | 170,188 |
| Brewster, Bill (D–OK–3rd) | Chickasaw National Recreation Area | 388 | 0 | 19,700 | 20,088 |
| Total shortfall | | | | | 20,088 |
| Browder, Glen (D–AL–3rd) | Horseshoe Bend National Military Park | 51 | 0 | 0 | 51 |
| | Tuskegee Institute National Historic Site | 159 | 0 | 0 | 159 |
| Total shortfall | | | | | 210 |
| Brown, Sherrod (D–OH–13th) | Cuyahoga Valley National Recreation Area | 600 | 43,500 | 4,500 | 48,600 |
| Total shortfall | | | | | 48,600 |
| Byrne, Leslie (D–VA–11th) | Prince William Forest Park | 632 | 20,750 | 9,709 | 31,091 |
| | Manassas National Battlefield Park | 412 | 10,400 | 8,000 | 18,812 |
| | George Washington Memorial Parkway | 2,693 | 0 | 44,802 | 47,495 |
| | Wolf Trap Farm Park for the Performing Arts | 916 | 0 | 38,320 | 39,236 |
| Total shortfall | | | | | 136,634 |
| Cardin (D–MD–3rd) | Fort McHenry National Monument and Historic Shrine | 239 | 0 | 9,600 | 9,839 |
| | Baltimore-Washington Parkway | 179 | 0 | 0 | 179 |
| Total shortfall | | | | | 10,018 |
| Clay, Bill (D–MO–1st) | Jefferson National Expansion Memorial | 2,000 | 1,000 | 41,250 | 44,250 |
| Total shortfall | | | | | 44,250 |
| Clement, Bob (D–TN–5th) | Natchez Trace Parkway | 4,505 | 124 | 52,900 | 57,529 |
| Total shortfall | | | | | 57,529 |
| Clyburn, James (D–SC–6th) | Congaree Swamp National Monument | 224 | 996 | 0 | 1,220 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| Total shortfall | | | | | 1,220 |
| Coble (R–NC–6th) | Guilford Courthouse National Military Park | 338 | 0 | 0 | 338 |
| Total shortfall | | | | | 338 |
| Coleman (D–TX–6th) | Chamizal National Memorial | 338 | 0 | 0 | 338 |
| Total shortfall | | | | | 338 |
| Combest (R–TX–19th) | Alibates Flint Quarries National Monument/Lake Meredith National Recreation Area | 676 | 0 | 44,100 | 44,776 |
| Total shortfall | | | | | 44,776 |
| Cooper, Jim (D–TN–4th) | Big South Fork National River and Recreation Area | 743 | 0 | 0 | 743 |
| | Shiloh National Military Park | 362 | 0 | 4,607 | 4,969 |
| | Cumberland Gap National Historical Park | 900 | 0 | 0 | 900 |
| Total shortfall | Natchez Trace Parkway | 4,505 | 124 | 52,900 | 57,529 |
| | | | | | 64,141 |
| Costello, Jerry (D–IL–12th) | Jefferson National Expansion Memorial | 2,000 | 1,000 | 41,250 | 44,250 |
| Total shortfall | | | | | 44,250 |
| Cramer, Bud (D–AL–5th) | Natchez Trace Parkway | 4,505 | 124 | 52,900 | 57,259 |
| | Russell Cave National Monument | 42 | 0 | 0 | 42 |
| Total shortfall | | | | | 57,571 |
| Crapo (R–ID–2d) | City of Rocks National Reserve | 0 | 1,597 | 19,300 | 20,897 |
| | Craters of the Moon National Monument | 98 | 0 | 4,500 | 4,598 |
| | Hagerman Fossil Beds National Monument | 38 | 0 | 14,000 | 14,038 |
| | Yellowstone NP | 5,814 | 0 | 324,930 | 330,744 |
| Total shortfall | | | | | 370,277 |
| Darden (D–GA–7th) | Kennesaw Mountain NBP | 138 | 0 | 0 | 138 |
| Total shortfall | | | | | 138 |
| Deal, Nathan (D–GA–9th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Chattahoochee River National Recreation Area | 1,002 | 20,255 | 3,238 | 24,495 |
| | Chickamauga and Chattanooga National Military Park | 188 | 0 | 46,292 | 46,480 |
| Total shortfall | | | | | 105,975 |
| de Lugo, Ron (Del–VI) | Buck Island Reef National Monument | 89 | 0 | 0 | 89 |
| | Christiansted National Historic Site | 358 | 0 | 0 | 358 |
| | Salt River Bay NHP and Ecological Preserve | 0 | 16,850 | 0 | 16,850 |
| | Virgin Islands NP | 656 | 47,330 | 0 | 47,986 |
| Total shortfall | | | | | 65,283 |
| Derrick, Butler (D–SC–3d) | Ninety Six National Historic Site | 13 | 0 | 0 | 13 |
| Total shortfall | | | | | 13 |
| Deutsch (D–FL–20th) | Biscayne NP | 1,458 | 272 | 0 | 1,730 |
| | Forth Jefferson National Monument | 303 | 0 | 0 | 303 |
| | Dry Tortugas NP | 0 | 0 | 12,000 | 12,000 |
| | Everglades NP | 2,618 | 50 | 96,400 | 99,068 |
| Total shortfall | | | | | 113,101 |
| Dickey, Jay (R–AR–4th) | Hot Springs NP | 1,053 | 2,127 | 16,900 | 20,080 |
| Total shortfall | | | | | 20,080 |
| Dicks (D–WA–6th) | Olympic NP | 1,160 | 23,035 | 53,300 | 77,495 |
| Total shortfall | | | | | 77,495 |
| Doolittle, John (R–CA–4th) | Yosemite NP | 9,465 | 63,924 | 330,120 | 403,509 |
| Total shortfall | | | | | 403,509 |
| Duncan, John (R–TN–2d) | Great Smoky Mountains NP | 3,912 | 480 | 34,000 | 38,392 |
| Total shortfall | | | | | 38,392 |
| Dunn (R–WA–8th) | Mount Rainier National Park | 1,250 | 0 | 65,300 | 66,550 |
| Total shortfall | | | | | 66,550 |
| Emerson, Bill (R–MO–8th) | Ozark National Scenic Riverways | 839 | 498 | 24,754 | 26,091 |
| Total shortfall | | | | | 26,091 |
| Engel, (D–NY–17th) | Saint Paul's Church National Historic Site | 49 | 0 | 0 | 49 |
| Total shortfall | | | | | 49 |
| English, Karan (D–AZ–6th) | Canyon de Chelly National Monument | 202 | 0 | 7,500 | 7,702 |
| | Hubbell Trading Post National Historic Site | 32 | 0 | 3,200 | 3,232 |
| | Casa Grande National Monument/Hohokam Pima National Monument | 63 | 0 | 0 | 63 |
| | Glenn Canyon National Recreation Area/Rainbow Bridge National Monument | 5,368 | 0 | 25,807 | 31,175 |
| | Navajo National Monument | 41 | 0 | 1,200 | 1,241 |
| | Petrified Forest NP | 722 | 0 | 0 | 722 |
| | Tonto National Monument | 67 | 0 | 0 | 67 |
| | Walnut Canyon National Monument/Wupatki National Monument/Sunset Crater Volcano National Monument. | 604 | 180 | 7,500 | 8,284 |
| Total shortfall | | | | | 52,486 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| Faleomavaega (Del–AS) | National Park of American Samoa | 753 | 0 | 0 | 753 |
| Total shortfall | | | | | 753 |
| Farr, Sam (D–CA–17th) | Pinnacles National Monument | 606 | 50 | 0 | 656 |
| Total shortfall | | | | | 656 |
| Fazio, Vic (D–CA–3d) | Lassen Volcanic NP | 440 | 1,355 | 17,030 | 18,825 |
| Total shortfall | | | | | 18825 |
| Fingerhut, (D–OH–19th) | James A. Garfield National Historic Site | 0 | 0 | 6,090 | 6,090 |
| Total shortfall | | | | | 6,090 |
| Fish, (R–NY–19th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| Total shortfall | | | | | 35,000 |
| Foley, Tom (D–WA–5th) | Coulee Dam National Recreation Area | 716 | 0 | 3,700 | 4,416 |
| | Whitman Mission National Historic Site | 17 | 0 | 0 | 17 |
| Total shortfall | | | | | 4,433 |
| Fowler, Tillie (R–FL–4th) | Castillo de San Marcos National Monument/Fort Matanzas National Monument | 423 | 0 | 5,000 | 5,423 |
| | Fort Caroline National Memorial | 32 | 50 | 0 | 82 |
| | Timucuan Ecological and Historic Preserve | 0 | 8,538 | 0 | 8,538 |
| Total shortfall | | | | | 14,043 |
| Frank (D–MA–4th) | Frederick Law Olmsted National Historic Site | 400 | 0 | 0 | 400 |
| | John F. Kennedy National Historic Site | 128 | 0 | 0 | 128 |
| Total shortfall | | | | | 528 |
| Franks, Gary (R–CT–5th) | Weir Farm National Historic Site | 250 | 520 | 12,306 | 13,076 |
| Total shortfall | | | | | 13,076 |
| Furse (D–OR–1st) | Fort Clatsop National Memorial | 52 | 0 | 0 | 52 |
| Total shortfall | | | | | 52 |
| Gallegly (R–CA–23d) | Channel Islands NP | 3,324 | 5,000 | 2,882 | 11,206 |
| | Santa Monica Mountains National Recreation Area | 4,080 | 102,131 | 1,310 | 107,521 |
| Total shortfall | | | | | 118,727 |
| Gallo, Dean (R–NJ–11th) | Morristown National Historical Park | 430 | 0 | 1,598 | 2,028 |
| Total shortfall | | | | | 2,028 |
| Gekas (R–PA–17th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| Total shortfall | | | | | 35,000 |
| Gephardt (D–MO–3d) | Ulysses S. Grant National Historic Site | 148 | 0 | 5,195 | 5,343 |
| Total shortfall | | | | | 5,343 |
| Gilchrest (R–MD–1st) | Assateague Island National Seashore | 870 | 3,076 | 30,502 | 34,448 |
| Total shortfall | | | | | 34,448 |
| Gillmor, Paul (R–OH–5th) | Perry's Victory and International Peace Memorial | 109 | 0 | 11,380 | 11,489 |
| Total shortfall | | | | | 11,489 |
| Gilman (R–NY–20th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Upper Delaware Scenic and Recreational River | 999 | 391 | 14,500 | 15,890 |
| Total shortfall | | | | | 50,890 |
| Gingrich (R–GA–6th) | Chattahoochee River National Recreation Area | 1,002 | 20,255 | 3,238 | 24,495 |
| | Kennesaw Mountain NBP | 138 | 0 | 0 | 138 |
| Total shortfall | | | | | 24,633 |
| Goodlatte (R–VA–6th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Blue Ridge Parkway | 9,245 | 11,797 | 25,800 | 46,842 |
| | Shenandoah NP | 1,695 | 0 | 85,751 | 87,446 |
| Total shortfall | | | | | 169,288 |
| Goodling (R–PA–19th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Eisenhower National Historic Site | 587 | 0 | 8,000 | 8,587 |
| | Gettysburg National Military Park | 2,782 | 11,565 | 15,358 | 29,705 |
| Total shortfall | | | | | 73,292 |
| Gordon, Bart (D–TN–6th) | Natchez Trace Parkway | 4,505 | 124 | 52,900 | 57,529 |
| | Stones River NB | 400 | 13,305 | 0 | 13,705 |
| Total shortfall | | | | | 71,234 |
| Goss, (R–FL–14th) | Big Cypress National Preserve | 1,260 | 109,000 | 0 | 110,260 |
| Total shortfall | | | | | 110,260 |
| Grams, Rod (R–MN–6th) | Lower Saint Croix National Scenic Riverway/Saint Croix National Scenic Riverway | 369 | 557 | 0 | 926 |
| | Mississippi National River and Recreation Area | 1,200 | 0 | 12,346 | 13,546 |
| Total shortfall | | | | | 14,472 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| Gunderson (R–WI–3d) | Lower Saint Croix National Scenic Riverway/St. Croix National Scenic Riverway | 369 | 557 | 0 | 926 |
| Total shortfall | | | | | 926 |
| Hall, Tony (D–OH–3d) | Dayton Aviation Heritage NHP | 1,000 | 200 | 4,118 | 5,318 |
| Total shortfall | | | | | 5,318 |
| Hamburg, Dan (D–CA–1st) | Redwood NP | 1,476 | 5,046 | 0 | 6,522 |
| Total shortfall | | | | | 6,522 |
| Hamilton, Lee (D–IN–9th) | Lincoln Boyhood National Memorial | 84 | 0 | 1,450 | 1,534 |
| Total shortfall | | | | | 1,534 |
| Hancock, Mel (R–MO–7th) | George Washington Carver National Monument | 86 | 0 | 0 | 86 |
| | Wilson's Creek NB | 623 | 0 | 1,400 | 2,023 |
| Total shortfall | | | | | 2,109 |
| Hansen, Jim (R–UT–1st) | Cedar Breaks National Monument | 24 | 0 | 0 | 24 |
| | Golden Spike National Historic Site | 8 | 166 | 0 | 174 |
| | Zion National Park | 1,670 | 1,593 | 23,195 | 26,458 |
| Total shortfall | | | | | 26,656 |
| Hayes, James (D–LA–7th) | Jean Lafitte National Historical Park and Preserve | 875 | 484 | 5,800 | 7,159 |
| Total shortfall | | | | | 7,159 |
| Hefley, Joel (R–CO–5th) | Florissant Fossil Beds National Monument | 74 | 0 | 8,922 | 8,996 |
| Total shortfall | | | | | 8,996 |
| Herger, Wally (R–CA–2d) | Lassen Volcanic NP | 440 | 1,355 | 17,030 | 18,825 |
| | Whiskeytown-Shasta-Trinity National Recreation Area | 1,392 | 325 | 0 | 1,717 |
| | Lava Beds National Monument | 353 | 0 | 5,895 | 6,248 |
| Total shortfall | | | | | 26,790 |
| Hinchey (D–NY–26th) | Upper Delaware Scenic and Recreational River | 999 | 391 | 14,500 | 15,890 |
| Total shortfall | | | | | 15,890 |
| Hobson (R–OH–7th) | Dayton Aviation Heritage NHP | 1,000 | 200 | 4,118 | 5,318 |
| | Hopewell Culture NHP | 234 | 4,000 | 2,000 | 6,234 |
| Total shortfall | | | | | 10,352 |
| Hochbrueckner (D–NY–1st) | Fire Island National Seashore | 1,477 | 21,362 | 8,000 | 30,839 |
| Total shortfall | | | | | 30,839 |
| Hoke (R–OH–10th) | Cuyahoga Valley National Recreation Area | 600 | 43,500 | 4,500 | 48,600 |
| Total shortfall | | | | | 48,600 |
| Holden, Tim (D–PA–6th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Hopewell Furnace National Historic Site | 416 | 0 | 5,000 | 5,416 |
| Total shortfall | | | | | 40,416 |
| Hoyer, Steny (D–MD–5th) | Baltimore-Washington Parkway | 179 | 0 | 0 | 179 |
| | Greenbelt Park | 178 | 0 | 0 | 178 |
| | Thomas Stone National Historic Site | 306 | 130 | 5,900 | 6,336 |
| Total shortfall | | | | | 6,693 |
| Huffington (R–CA–22d) | Channel Islands NP | 3,324 | 5,000 | 2,882 | 11,206 |
| Total shortfall | | | | | 11,206 |
| Hutchinson (R–AR–3d) | Buffalo National River | 478 | 242 | 18,700 | 19,420 |
| | Fort Smith National Historic Site | 54 | 0 | 4,900 | 4,954 |
| | Pea Ridge National Military Park | 267 | 0 | 2,750 | 3,017 |
| Total shortfall | | | | | 27,391 |
| Hutto, Earl (D–FL–1st) | Gulf Islands National Seashore | 1,309 | 810 | 0 | 2,119 |
| Total shortfall | | | | | 2,119 |
| Inglis (R–SC–4th) | Cowpens National Battlefield | 32 | 0 | 0 | 32 |
| Total shortfall | | | | | 32 |
| Inslee, Jay (D–WA–4th) | Coulee Dam National Recreation Area | 716 | 0 | 3,700 | 4,416 |
| | Lake Chelan National Recreation Area/North Cascades NP/Ross Lake National Recreation Area | 1,578 | 15,119 | 14,100 | 30,797 |
| Total shortfall | | | | | 35,213 |
| Jefferson (D–LA–2d) | Jean Lafitte National Historical Park and Preserve | 875 | 484 | 5,800 | 7,159 |
| Total shortfall | | | | | 7,159 |
| Johnson, Nancy (R–CT–6th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| Total shortfall | | | | | 35,000 |
| Johnson, Tim (D–SD–AII) | Badlands NP | 276 | 151 | 15,700 | 16,127 |
| | Jewel Cave National Monument | 133 | 0 | 0 | 133 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| | Niobrara/Missouri National Recreational River | 0 | 0 | 0 | 0 |
| | Mount Rushmore National Memorial | 458 | 0 | 10,000 | 10,458 |
| | Wind Cave NP | 222 | 0 | 1,179 | 1,401 |
| Total shortfall | | | | | 28,119 |
| Kanjorski (D–PA–11th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| Total shortfall | | | | | 35,000 |
| Kennedy, Joe (D–MA–8th) | Boston African American National Historic Site | 196 | 0 | 2,000 | 2,196 |
| | Boston National Historical Park | 1,096 | 0 | 16,916 | 18,012 |
| | Longfellow National Historic Site | 184 | 0 | 0 | 184 |
| Total shortfall | | | | | 20,392 |
| King, Peter (R–NY–3d) | Sagamore Hill National Historic Site | 267 | 0 | 0 | 267 |
| Total shortfall | | | | | 267 |
| Kingston, Jack (R–GA–1st) | Cumberland Island National Seashore | 386 | 14,624 | 2,912 | 17,922 |
| | Fort Frederica National Monument | 82 | 230 | 0 | 312 |
| | Fort Pulaski National Monument | 79 | 0 | 0 | 79 |
| Total shortfall | | | | | 18,313 |
| Klein, Herb (D–NJ–8th) | Edison National Historic Site | 189 | 0 | 27,000 | 27,189 |
| Total shortfall | | | | | 27,189 |
| Kolbe, Jim (R–AZ–5th) | Chiricahua National Monument/Fort Bowie National Historic Site | 142 | 17 | 0 | 159 |
| | Coronado National Memorial | 60 | 200 | 0 | 260 |
| | Saguaro National Monument | 387 | 49,600 | 0 | 49,987 |
| Total shortfall | | | | | 50,406 |
| Lambert (D–AR–1st) | Arkansas Post National Memorial | 9 | 0 | 1,000 | 1,009 |
| Total shortfall | | | | | 1,009 |
| Lancaster (D–NC–3d) | Cape Hatteras National Seashore/Fort Raleigh National Historic Site/Wright Brothers National Memorial | 1,095 | 18,310 | 25,275 | 44,680 |
| | Cape Lookout National Seashore | 271 | 50 | 0 | 321 |
| | Moores Creek NB | 50 | 0 | 0 | 50 |
| Total shortfall | | | | | 45,051 |
| Lantos, Tom (D–CA–12th) | Golden Gate National Recreation Area | 5,659 | 69,234 | 27,903 | 102,796 |
| Total shortfall | | | | | 102,796 |
| LaRocco, Larry (D–ID–1st) | Nez Perce National Historical Park | 300 | 1,500 | 7,000 | 8,800 |
| Total shortfall | | | | | 8,800 |
| Laughlin (D–TX–14th) | Lyndon B. Johnson National Historical Park | 406 | 2,266 | 5,000 | 7,672 |
| Total shortfall | | | | | 7,672 |
| Lazio, Rick (R–NY–2d) | Fire Island National Seashore | 1,477 | 21,362 | 8,000 | 30,839 |
| Total shortfall | | | | | 30,839 |
| Leach, James (R–IA–1st) | Herbert Hoover National Historic Site | 241 | 0 | 3,900 | 4,141 |
| Total shortfall | | | | | 4,141 |
| Lehman, (D–CA–19th) | Yosemite NP | 9,465 | 63,924 | 330,120 | 403,509 |
| | Sequoia NP/Kings Canyon NP/Devils Postpile National Monument | 896 | 3,120 | 198,030 | 202,046 |
| Total shortfall | | | | | 605,555 |
| Lewis, Jerry (R–CA–40th) | Joshua Tree National Monument | 1,134 | 3,326 | 22,532 | 26,992 |
| | Death Valley National Monument | 2,635 | 14,881 | 35,632 | 53,148 |
| | Mansanar National Historic Site | 300 | 0 | 4,000 | 4,300 |
| Total shortfall | | | | | 84,440 |
| Lewis, John (D–GA–5th) | Chattahoochee River National Recreation Area | 1,002 | 20,255 | 3,238 | 24,495 |
| | Martin Luther King, Jr. National Historical Site | 340 | 1,160 | 0 | 1,500 |
| Total shortfall | | | | | 25,995 |
| Lewis, Ron (R–KY–2d) | Abraham Lincoln Birthplace National Historic Site | 70 | 0 | 0 | 70 |
| | Mammoth Cave NP | 1,239 | 0 | 8,101 | 9,340 |
| Total shortfall | | | | | 9,410 |
| Livingston (R–LA–1st) | Jean Lafitte National Historical Park and Preserve | 875 | 484 | 5,800 | 7,159 |
| Total shortfall | | | | | 7,159 |
| Lloyd, Marilyn (D–TN–3d) | Chickamauga and Chattanooga National Military Park | 188 | 0 | 46,292 | 46,480 |
| | Obed W and S River | 90 | 984 | 0 | 1,074 |
| Total shortfall | | | | | 47,554 |
| McCandless (R–CA–44th) | Joshua Tree National Monument | 1,134 | 3,326 | 22,532 | 26,992 |
| Total shortfall | | | | | 26,992 |
| McCloskey (D–IN–8th) | George Rogers Clark National Historical Park | 20 | 0 | 1,300 | 1,320 |
| Total shortfall | | | | | 1,320 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| McCrery, Jim (R–LA–5th) | Jean Lafitte National Historical Park and Preserve | 875 | 484 | 5,800 | 7,159 |
| | Poverty Point National Monument | 0 | 0 | 0 | 0 |
| Total shortfall | | | | | 7,150 |
| McDade, Joe (R–PA–10th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Delaware Water Gap National Recreation Area | 2,598 | 7,517 | 147,600 | 157,715 |
| | Steamtown National Historic Site | 3,000 | 0 | 0 | 3,000 |
| | Upper Delaware Scenic and Recreational River | 999 | 391 | 14,500 | 15,890 |
| Total shortfall | | | | | 211,605 |
| McDermott (D–WA–7th) | Klondike Gold Rush National Historical Park | 48 | 0 | 1,331 | 1,379 |
| Total shortfall | | | | | 1,379 |
| McHale, (D–PA–15th) | Delaware Water Gap National Recreation Area | 2,598 | 7,517 | 147,600 | 157,715 |
| | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| Total shortfall | | | | | 192,715 |
| McInnis, Scott (R–CO–3d) | Black Canyon of the Gunnison National Monument | 95 | 96 | 0 | 191 |
| | Colorado National Monument | 129 | 0 | 0 | 129 |
| | Curecanti National Recreation Area | 407 | 0 | 1,441 | 1,848 |
| | Dinosaur National Monument | 1,267 | 859 | 11,310 | 13,436 |
| | Great Sand Dunes National Monument | 178 | 449 | 2,227 | 2,854 |
| | Hovenweep National Monument | 25 | 0 | 0 | 25 |
| | Rocky Mountain NP | 1,597 | 5,385 | 33,828 | 40,810 |
| | Mesa Verde NP/Yucca House National Monument | 259 | 96 | 35,285 | 35,640 |
| Total shortfall | | | | | 94,933 |
| Machtley (R–RI–1st) | Roger Williams National Memorial | 99 | 0 | 0 | 99 |
| Total shortfall | | | | | 99 |
| Maloney (D–NY–14th) | Theodore Roosevelt Birthplace National Historic Park | 146 | 0 | 10,900 | 11,046 |
| Total shortfall | | | | | 11,046 |
| Mann, (D–OH–1st) | William Howard Taft National Historic Site | 42 | 0 | 1,500 | 1,542 |
| Total shortfall | | | | | 1,542 |
| Margolies-Mezvinsky, Marjorie (D–PA–13th) | Valley Forge National Historical Park | 826 | 15,415 | 11,000 | 27,241 |
| Total shortfall | | | | | 27,241 |
| Markey, Ed (D–MA–7th) | Minute Man National Historical Park | 258 | 19,680 | 15,177 | 35,115 |
| Total shortfall | | | | | 35,115 |
| Meehan (D–MA–5th) | Minute Man National Historical Park | 258 | 19,680 | 15,177 | 35,115 |
| | Lowell National Historical Park | 1,277 | 10,100 | 688 | 12,065 |
| Total shortfall | | | | | 47,180 |
| Menendez (D–NJ–13th) | Ellis Island | 2,900 | 0 | 0 | 2,900 |
| | Statue of Liberty National Monument | 589 | 0 | 12,400 | 12,889 |
| Total shortfall | | | | | 15,889 |
| Mfume, (D–MD–7th) | Baltimore-Washington Parkway | 179 | 0 | 0 | 179 |
| Total shortfall | | | | | 179 |
| Michel, (R–IL–18th) | Lincoln Home National Historic Site | 80 | 0 | 2,620 | 2,700 |
| Total shortfall | | | | | 2,700 |
| Miller, Dan (R–FL–13th) | De Soto National Memorial | 90 | 0 | 0 | 90 |
| Total shortfall | | | | | 90 |
| Minge, David (D–MN–2d) | Pipestone National Monument | 81 | 0 | 0 | 81 |
| Total shortfall | | | | | 81 |
| Mink, Patsy (D–HI–2d) | Haleakala NP | 1,087 | 7,040 | 6,026 | 14,153 |
| | Hawaii Volcanoes NP | 2,020 | 14,900 | 0 | 16,920 |
| | Kalaupapa National Historical Park | 992 | 450 | 0 | 1,442 |
| | Kaloko-Honokohau National Historical Park | 473 | 18,250 | 0 | 18,723 |
| | Pu'uhonua o Honaunau National Historical Park | 189 | 0 | 2,882 | 3,071 |
| | Puukohola Heiau National Historical Site | 29 | 0 | 1,572 | 1,601 |
| Total shortfall | | | | | 55,910 |
| Moakley (D–MA–9th) | Boston National Historical Park | 1,096 | 0 | 16,916 | 18,012 |
| Total shortfall | | | | | 18,012 |
| Molinari (R–NY–13th) | Gateway National Recreation Area (Staten –Island) | 4,843 | 47,000 | 225,030 | 276,873 |
| Total shortfall | | | | | 276,873 |
| Mollohan (D–WV–1st) | Chesapeake and Ohio Canal National Historical Park | 2,067 | 114,856 | 35,325 | 152,248 |
| Total shortfall | | | | | 152,248 |
| Montgomery (D–MS–13th) | Natchez Trace Parkway | 4,505 | 124 | 52,900 | 57,529 |
| Total shortfall | | | | | 57,529 |
| Moran, James (D–VA–8th) | George Washington Memorial Parkway | 2,693 | 0 | 44,802 | 47,495 |
| | Potomac Heritage National Scenic Trail | 0 | 0 | 0 | 0 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| | Arlington House, The Robert E. Lee Memorial | 0 | 0 | 0 | 0 |
| Total shortfall | | | | | 47,495 |
| Morella (R–MD–8th) | Chesapeake & Ohio Canal National Historical Park | 2,067 | 114,856 | 35,325 | 152,248 |
| | Clara Barton National Historic Site | 0 | 0 | 0 | 0 |
| | George Washington Memorial Parkway | 2,693 | 0 | 44,802 | 47,495 |
| Total shortfall | | | | | 199,734 |
| Murphy (D–PA–20th) | Fort Necessity NB | 136 | 0 | 10,020 | 10,156 |
| | Friendship Hill National Historic Site | 200 | 0 | 0 | 200 |
| Total shortfall | | | | | 10,356 |
| Murtha, John (D–PA–12th) | Allegheny Portage Railroad National Historic Site | 173 | 5,267 | 9,800 | 15,240 |
| | Johnstown Flood National Memorial | 55 | 2,600 | 0 | 2,655 |
| Total shortfall | | | | | 17,895 |
| Nadler (D–NY–8th) | Castle Clinton National Monumental | 155 | 0 | 21,700 | 21,855 |
| | Ellis Island | 2,900 | 0 | 0 | 2,900 |
| | Federak Hall National Memorial | 195 | 0 | 8,420 | 8,615 |
| | General Grant National Memorial | 268 | 0 | 0 | 268 |
| | Statue of Liberty National Monument | 589 | 0 | 12,400 | 12,989 |
| Total shortfall | | | | | 46,627 |
| Neal, Richard (D–MA–2d) | Springfield Armory National Historic Site | 90 | 0 | 0 | 90 |
| Total shortfall | | | | | 90 |
| Neal, Stephen (D–NC–5th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Blue Ridge Parkway | 9,245 | 11,797 | 25,800 | 46,842 |
| Total shortfall | | | | | 81,842 |
| Norton, (D–DC–AII) | Chesapeake and Ohio Canal National Historical Park | 2,067 | 114,856 | 35,325 | 152,248 |
| | Ford's Theatre National Historic Site | 71 | 0 | 0 | 71 |
| | George Washington Memorial Parkway | 2,693 | 0 | 44,802 | 47,495 |
| | National Capital Parks—Central | 2,335 | 0 | 138,060 | 140,395 |
| | Frederick Douglas National Historic Site | 0 | 0 | 0 | 0 |
| | Mary McLeod Bethune Council House National Historic Site | 500 | 694 | 1,500 | 2,694 |
| | National Capital Parks—East | 2,491 | 0 | 11,117 | 13,608 |
| | Rock Creek Park | 1,677 | 0 | 14,266 | 15,943 |
| | White House | 748 | 0 | 0 | 748 |
| Total shortfall | | | | | 373,202 |
| Nussle, Jim (R–IA–2d) | Effigy Mounds National Monument | 65 | 0 | 0 | 65 |
| Total shortfall | | | | | 65 |
| Oberstar (D–MN–8th) | Grand Portage National Monument | 36 | 0 | 3,650 | 3,686 |
| | Lower Saint Croix National Scenic Riverway/Saint Croix National Scenic Riverway | 369 | 557 | 0 | 926 |
| | Voyageurs NP | 1,758 | 9,995 | 3,865 | 15,618 |
| Total shortfall | | | | | 20,230 |
| Obey, David (D–WI–7th) | Apostle Islands National Lakeshore | 752 | 0 | 3,865 | 4,617 |
| | Saint Croix National Scenic Riverway/Lower Saint Croix National Scenic Riverway | 369 | 557 | 0 | 926 |
| Total shortfall | | | | | 5,543 |
| Olver, John (D–MA–1st) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| Total shortfall | | | | | 35,000 |
| Ortiz (D–TX–27th) | Padre Island National Seashore | 0 | 4,318 | 3,600 | 7,918 |
| | Palo Alto Battlefield National Historic Site | 700 | 6,000 | 8,000 | 14,700 |
| Total shortfall | | | | | 22,618 |
| Orton, Bill (D–UT–3d) | Arches NP | 198 | 0 | 0 | 198 |
| | Bryce Canyon NP | 643 | 4 | 21,917 | 22,564 |
| | Canyonlands NP | 1,146 | 0 | 0 | 1,146 |
| | Capitol Reef NP | 222 | 1 | 0 | 223 |
| | Glen Canyon National Recreation Area/Rainbow Bridge National Monument | 5,368 | 0 | 25,807 | 31,175 |
| | Dinosaur National Monument | 1,267 | 859 | 11,310 | 13,436 |
| | Hovenweep National Monument | 25 | 0 | 0 | 25 |
| | Zion National Park | 1,670 | 1,593 | 23,195 | 26,458 |
| | Natural Bridges National Monument | 44 | 0 | 0 | 44 |
| | Timpanogos Cave National Monument | 230 | 0 | 5,923 | 6,153 |
| Total shortfall | | | | | 101,422 |
| Pallone, Frank (D–NJ–6th) | Gateway National Recreation Area (Sandy Hook) | 4,843 | 47,000 | 225,030 | 276,873 |
| Total shortfall | | | | | 276,873 |
| Parker, Mike (D–MS–4th) | Natchez National Historical Park | 188 | 1,908 | 0 | 2,096 |
| | Natchez Trace Parkway | 4,505 | 124 | 52,900 | 57,529 |
| Total shortfall | | | | | 59,625 |
| Pastor, Ed (D–AZ–2d) | Organ Pipe Cactus National Monument | 823 | 2,650 | 0 | 3,473 |
| | Tumacacori National Historical Park | 47 | 262 | 0 | 309 |
| Total shortfall | | | | | 3,782 |
| Paxon, Bill (R–NY–27th) | Women's Rights National Historical Park | 137 | 0 | 0 | 137 |
| Total shortfall | | | | | 137 |
| Payne, Donald (D–NJ–24th) | Edison National Historic Site | 189 | 0 | 27,000 | 27,189 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| Total shortfall | | | | | 27,189 |
| Payne, Lewis (D–VA–5th) | Appomattox Court House National Historical Park | 363 | 9 | 0 | 372 |
| | Blue Ridge Parkway | 9,245 | 11,797 | 25,800 | 46,842 |
| | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Booker T. Washington National Monument | 72 | 0 | 1,519 | 1,591 |
| | Shenandoah NP | 1,695 | 0 | 85,751 | 87,446 |
| Total shortfall | | | | | 172,251 |
| Pelosi, Nancy (D–CA–8th) | Golden Gate National Recreation Area | 5,659 | 69,234 | 27,903 | 102,796 |
| | Fort Point National Historic Site | 138 | 0 | 0 | 138 |
| | San Francisco Maritime National Historical Park | 1,173 | 0 | 17,292 | 18,465 |
| Total shortfall | | | | | 121,399 |
| Pickett, Owen (D–VA–2d) | Colonial National Historical Park | 818 | 50 | 66,383 | 67,251 |
| Total shortfall | | | | | 67,251 |
| Pomeroy (D–ND–All) | Fort Union Trading Post National Historic Site | 49 | 90 | 600 | 739 |
| | Knife River Indian Villages National Historic Site | 89 | 400 | 1,700 | 2,189 |
| | Theodore Roosevelt NP | 398 | 233 | 10,900 | 11,531 |
| Total shortfall | | | | | 14,459 |
| Quillen, Jimmy (R–TN–1st) | Andrew Johnson National Historic Site | 31 | 0 | 0 | 31 |
| | Great Smoky Mountains National Park | 3,912 | 480 | 34,000 | 38,392 |
| | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| Total shortfall | | | | | 73,423 |
| Quinn, Jack (R–NY–30th) | Theodore Roosevelt Inaugural National Historic Site | 17 | 0 | 10,900 | 10,917 |
| Total shortfall | | | | | 10,917 |
| Rahall, Nick (D–WV–3d) | New River Gorge National River | 694 | 16,176 | 69,450 | 86,320 |
| | Gauley River National Recreation Area/Bluestone National Scenic River | 0 | 6,000 | 0 | 6,000 |
| Total shortfall | | | | | 92,320 |
| Ramstad, Jim (R–MN–3d) | Mississippi National River and Recreation Area | 1,200 | 0 | 12,346 | 13,546 |
| Total shortfall | | | | | 13,546 |
| Rangel (D–NY–15th) | Hamilton Grange National Memorial | 351 | 0 | 10,900 | 11,251 |
| Total shortfall | | | | | 11,251 |
| Ravenel (R–SC–1st) | Charles Pinckney National Historic Site | 235 | 0 | 2,000 | 2,235 |
| | Fort Sumter National Monument | 250 | 190 | 0 | 440 |
| Total shortfall | | | | | 2,675 |
| Richardson (D–NM–3d) | Aztec Ruins National Monument | 323 | 2,481 | 3,900 | 6,704 |
| | Bandelier National Monument | 508 | 0 | 10,800 | 11,308 |
| | Capulin Volcano National Monument | 55 | 0 | 1,500 | 1,555 |
| | Chaco Culture National Historical Park | 318 | 235 | 9,900 | 10,453 |
| | El Morro National Monument | 99 | 213 | 0 | 312 |
| | Fort Union National Monument | 81 | 11 | 600 | 692 |
| | Pecos National Historical Park | 59 | 3,602 | 3,400 | 7,061 |
| | El Malpais National Monument | 141 | 3,871 | 4,600 | 8,612 |
| Total shortfall | | | | | 46,697 |
| Roberts, Pat (R–KS–1st) | Fort Larned National Historic Site | 79 | 0 | 6,076 | 6,155 |
| Total shortfall | | | | | 6,155 |
| Roemer, Tim (D–IN–3d) | Indiana Dunes National Lakeshore | 3,500 | 54,462 | 5,800 | 63,762 |
| Total shortfall | | | | | 63,762 |
| Rogers, Hal (R–KY–5th) | Big South Fork National River and Recreation Area | 743 | 0 | 0 | 743 |
| | Cumberland Gap National Historical Park | 900 | 0 | 0 | 900 |
| Total shortfall | | | | | 1,643 |
| Romero-Barcelo, Carlos (D–PR–All) | San Juan National Historic Site | 1,158 | 0 | 0 | 1,158 |
| Total shortfall | | | | | 1,158 |
| Roukema (R–NJ–5th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Delaware Water Gap National Recreation Area | 2,598 | 7,517 | 147,600 | 157,715 |
| Total shortfall | | | | | 192,715 |
| Sabo, Martin (D–MN–5th) | Mississippi National River and Recreation Area | 1,200 | 0 | 12,346 | 13,546 |
| Total shortfall | | | | | 13,546 |
| Sanders (I–VT–All) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Marsh-Billings NHP | 500 | 0 | 2,500 | 3,000 |
| Total shortfall | | | | | 38,000 |
| Sarpalius (D–TX–13th) | Alibates Flint Quarries National Monumental/Lake Meredith National Recreation Area | 676 | 0 | 44,100 | 44,776 |
| Total shortfall | | | | | 44,776 |
| Sawyer (D–OH–14th) | Cuyahoga Valley National Recreation Area | 600 | 43,500 | 4,500 | 48,600 |
| Total shortfall | | | | | 48,600 |
| Schenk, Lynn (D–CA–49th) | Cabrillo National Monument | 202 | 0 | 0 | 202 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| Total shortfall | | | | | 202 |
| Schiff, Steve (R–NM–1st) | Petroglyph National Monument | 1,000 | 50,000 | 11,700 | 62,700 |
| | Salinas Pueblo Missions National Monument | 58 | 138 | 7,000 | 7,196 |
| Total shortfall | | | | | 69,896 |
| Schumer (D–NY–9th) | Gateway National Recreation Area | 4,843 | 47,000 | 225,030 | 276,873 |
| Total shortfall | | | | | 276,873 |
| Scott, Robert (D–VA–3d) | Colonial National Historical Park | 818 | 50 | 66,383 | 67,251 |
| | Petersburg NB | 1,180 | 1,263 | 15,000 | 17,443 |
| | Richmond NBP | 874 | 0 | 23,800 | 24,674 |
| Total shortfall | | | | | 109,368 |
| Shuster, Bud (R–PA–9th) | Allegheny Portage Railroad National Historic Site | 173 | 5,267 | 9,800 | 15,240 |
| | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| Total shortfall | | | | | 50,240 |
| Sisisky (D–VA–4th) | Petersburg NB | 1,180 | 1,263 | 15,000 | 17,443 |
| | Richmond NBP | 874 | 0 | 23,800 | 24,674 |
| Total shortfall | | | | | 42,117 |
| Skaggs, David (D–CO–2d) | Rocky Mountain NP | 1,597 | 5,385 | 33,828 | 40,810 |
| Total shortfall | | | | | 40,810 |
| Skeen, Joe (R–NM–2d) | Carlsbad Caverns NP | 257 | 18 | 7,000 | 7,275 |
| | El Malpais National Monument | 141 | 3,871 | 4,600 | 8,612 |
| | Gila Cliff Dwellings National Monument | 26 | 0 | 0 | 26 |
| | White Sands National Monument | 75 | 0 | 3,300 | 3,375 |
| Total shortfall | | | | | 19,288 |
| Slattery, Jim (D–KS–2d) | Brown v. Board of Education NHS | 0 | 700 | 3,843 | 4,543 |
| | Fort Scott National Historic Site | 122 | 0 | 1,037 | 1,159 |
| Total shortfall | | | | | 5,702 |
| Smith, Lamar (R–TX–21st) | Lyndon B. Johnson National Historical Park | 406 | 2,266 | 5,000 | 7,672 |
| Total shortfall | | | | | 7,672 |
| Smith, Bob (R–OR–2d) | Crater Lake NP | 1,505 | 0 | 121,700 | 123,205 |
| | JOhn Day Fossil Beds National Monument | 32 | 465 | 12,000 | 12,497 |
| | Oregon Caves National Monument | 51 | 0 | 0 | 51 |
| Total shortfall | | | | | 135,753 |
| Snowe (R–ME–2d) | Acadia NP | 1,232 | 22,259 | 59,955 | 83,446 |
| | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Saint Croix Island International Historic Site | 25 | 0 | 0 | 25 |
| Total shortfall | | | | | 118,471 |
| Solomon (R–NY–22d) | Eleanor Roosevelt National Historic Site | 174 | 0 | 0 | 174 |
| | Home of Franklin D. Roosevelt National Historic Site | 425 | 0 | 17,375 | 17,800 |
| | Martin Van Buren National Historic Site | 58 | 0 | 0 | 58 |
| | Saratoga National Historical Park | 34 | 1,540 | 15,239 | 16,813 |
| | Vanderbilt Mansion National Historic Site | 630 | 0 | 6,840 | 7,470 |
| Total shortfall | | | | | 42,315 |
| Spratt, John (D–SC–5th) | Kings Mountain National Military Park | 92 | 0 | 0 | 92 |
| Total shortfall | | | | | 92 |
| Strickland (D–OH–6th) | Hopewell Culture National Historic Park | 234 | 4,000 | 2,000 | 6,234 |
| Total shortfall | | | | | 6,234 |
| Studds (D–MA–10th) | Adams National Historic Site | 304 | 0 | 3,100 | 3,404 |
| | Cape Cod National Seashore | 323 | 32,081 | 24,155 | 56,559 |
| Total shortfall | | | | | 59,963 |
| Stump, Bob (R–AZ–3d) | Grand Canyon NP | 3,989 | 1,530 | 131,992 | 137,511 |
| | Lake Mead National Recreation Area | 5,290 | 1,526 | 202,657 | 209,473 |
| | Montezuma Castle National Monument/Tuzigoot National Monument | 284 | 101 | 0 | 385 |
| | Pipe Spring National Monument | 124 | 0 | 0 | 124 |
| | Glen Canyon National Recreation Area/Rainbow Bridge National Monument | 5,368 | 0 | 25,807 | 31,175 |
| | Sunset Crater Volcano National Monument/Wupatki National Monument/Walnut Canyon National Monument. | 604 | 180 | 7,500 | 8,284 |
| Total shortfall | | | | | 386,952 |
| Stupak, Bart (D–MI–1st) | Isle Royale NP | 334 | 0 | 8,694 | 9,028 |
| | Keweenaw NHP | 100 | 5,000 | 28,000 | 33,100 |
| | Pictured Rocks National Lakeshore | 268 | 0 | 10,586 | 10,584 |
| | Sleeping Bear Dunes National Lakeshore | 488 | 0 | 1,846 | 2,334 |
| Total shortfall | | | | | 55,316 |
| Sundquist (R–TN–7th) | Natchez Trace Parkway | 4,505 | 124 | 52,900 | 57,529 |
| Total shortfall | | | | | 57,529 |
| Swett, Dick (D–NH–2d) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Saint-Gaudens National Historic Site | 44 | 320 | 7,365 | 7,729 |
| Total shortfall | | | | | 42,729 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| Swift, Al (D–WA–2d) | Ebey's Landing National Historical Reserve | 0 | 8,494 | 0 | 8,494 |
| | North Cascades NP/Lake Chelan National Recreation Area/Ross Lake National Recreation Area | 1,578 | 15,119 | 14,100 | 30,797 |
| | San Juan Island National Historical Park | 68 | 0 | 0 | 68 |
| Total shortfall | | | | | 39,359 |
| Synar (D–OK–2d) | Fort Smith National Historic Site | 54 | 0 | 4,900 | 4,954 |
| Total shortfall | | | | | 4,954 |
| Tanner, John (D–TN–8th | Fort Donelson NB | 221 | 43 | 0 | 264 |
| Total shortfall | | | | | 264 |
| Tauzin, Billy (D–LA–3d) | Jean Lafitte National Historic Park and Preserve | 875 | 484 | 5,800 | 7,159 |
| Total shortfall | | | | | 7,159 |
| Taylor, Charles (R–NC–1st) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Blue Ridge Parkway | 9,245 | 11,797 | 25,800 | 46,842 |
| | Carl Sandburg Home National Historic Site | 287 | 0 | 0 | 287 |
| | Great Smoky Mountains NP | 3,912 | 480 | 34,000 | 38,392 |
| Total shortfall | | | | | 120,521 |
| Taylor, Gene (D–MS–5th) | Gulf Islands National Seashore | 1,309 | 810 | 0 | 2,119 |
| Total shortfall | | | | | 2,119 |
| Tejeda (D–TX–28th) | San Antonio Missions National Historic Park | 220 | 3,677 | 9,600 | 13,497 |
| Total shortfall | | | | | 13,497 |
| Thomas, Bill (R–CA–21st) | Sequoia NP/Kings Canyon NP/Devils Postpile National Monument | 896 | 3,120 | 198,030 | 202,046 |
| Total shortfall | | | | | 202,046 |
| Thomas, Craig (R–WY–AII) | Bighorn Canyon National Recreation Area | 432 | 620 | 212 | 1,264 |
| | Devils Tower National Monument | 531 | 0 | 0 | 531 |
| | Fort Laramie National Historic Site | 75 | 2 | 0 | 77 |
| | Fossil Butte National Monument | 89 | 0 | 0 | 89 |
| | Grand Teton NP | 2,864 | 21,775 | 64,530 | 89,169 |
| | John D. Rockefeller, Jr., Memorial Pkwy | 294 | 0 | 13,604 | 13,898 |
| | Yellowstone NP | 5,814 | 0 | 324,930 | 330,744 |
| Total shortfall | | | | | 435,772 |
| Thompson (D–MS–2d) | Vicksburg Park | 156 | 0 | 2,355 | 2,511 |
| Total shortfall | | | | | 2,511 |
| Torkildsen (R–MA–6th) | Salem Maritime National Historic Site | 814 | 350 | 13,110 | 14,274 |
| | Saugus Iron Works National Historic Site | 156 | 0 | 2,000 | 2,156 |
| Total shortfall | | | | | 16,430 |
| Towns (D–NY–10th) | Gateway National Recreation Area (Jamaica Bay and Breezy Point) | 4,843 | 47,000 | 225,030 | 276,873 |
| Total shortfall | | | | | 276,873 |
| Underwood (Del–GU–AII) | War in the Pacific National Historical Park | 971 | 8,140 | 7,500 | 16,611 |
| Total shortfall | | | | | 16,611 |
| Unsoeld (D–WA–3d) | Fort Vancouver National Historic Site | 86 | 0 | 0 | 86 |
| | Mount Rainier NP | 1,250 | 0 | 65,300 | 66,550 |
| Total shortfall | | | | | 66,636 |
| Vento, Bruce (D–MN–4th) | Mississippi National River and Recreation Area | 1,200 | 0 | 12,346 | 13,546 |
| Total shortfall | | | | | 13,546 |
| Visclosky (D–IN–1st) | Indiana Dunes National Lakeshore | 3,500 | 54,462 | 5,800 | 63,762 |
| Total shortfall | | | | | 63,762 |
| Vucanovich (R–NV–2d) | Death Valley National Monument | 2,635 | 14,881 | 35,632 | 53,148 |
| | Great Basin NP | 604 | 0 | 0 | 604 |
| | Lake Mead National Recreation Area | 5,290 | 1,526 | 202,657 | 209,473 |
| Total shortfall | | | | | 263,225 |
| Walker, Bob (R–PA–16th) | Hopewell Furnace National Historic Site | 416 | 0 | 5,000 | 5,416 |
| Total shortfall | | | | | 5,416 |
| Waxman (D–CA–29th) | Santa Monica Mountains National Recreation Area | 4,080 | 102,131 | 1,310 | 107,521 |
| Total shortfall | | | | | 107,521 |
| Weldon, Curt (R–PA–7th) | Valley Forge National Historical Park | 826 | 15,415 | 11,000 | 27,241 |
| Total shortfall | | | | | 27,241 |
| Wheat, Alan (D–MO–5th) | Harry S Truman National Historic Site | 355 | 0 | 1,009 | 1,364 |
| Total shortfall | | | | | 1,364 |
| Whitten (D–MS–1st) | Natchez Trace Parkway | 4,505 | 124 | 52,900 | 57,529 |
| | Brices Cross Roads National Battlefield Site | 0 | 0 | 0 | 0 |
| Total shortfall | | | | | 57,529 |
| Williams, Pat (D–MT–AII) | Big Hole NB | 33 | 0 | 0 | 33 |

| Member | Park | Shortfalls (thousands of dollars) | | | |
|---|---|---|---|---|---|
| | | Park operations | Land acquisition | Construction | Total per park |
| | Bighorn Canyon National Recreation Area | 432 | 620 | 212 | 1,264 |
| | Fort Union Trading Post National Historic Site | 49 | 90 | 600 | 739 |
| | Glacier NP | 2,022 | 10,089 | 54,299 | 66,410 |
| | Grant-Kohrs Ranch National Historic Site | 62 | 94 | 0 | 156 |
| | Little Bighorn Battlefield NM | 0 | 0 | 750 | 750 |
| | Yellowstone NP | 5,814 | 0 | 324,930 | 330,744 |
| Total shortfall | | | | | 440,096 |
| Wilson (D–TX–2d) | Big Thicket National Preserve | 379 | 6,000 | 19,500 | 25,879 |
| Total shortfall | | | | | 25,879 |
| Wise, Robert (D–WV–2d) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Chesapeake and Ohio Canal National Historical Park | 2,067 | 114,856 | 35,325 | 152,248 |
| | Harpers Ferry National Historical Park | 328 | 2,585 | 38,928 | 41,841 |
| Total shortfall | | | | | 229,089 |
| Wolf, Frank (R–VA–10th) | Appalachian NST | 0 | 35,000 | 0 | 35,000 |
| | Harpers Ferry National Historical Park | 328 | 2,585 | 38,928 | 41,841 |
| | Manassas NBP | 412 | 10,400 | 8,000 | 18,812 |
| | Prince William Forest Park | 632 | 20,750 | 9,709 | 31,091 |
| | Shenandoah NP | 1,695 | 0 | 85,751 | 87,446 |
| Total shortfall | | | | | 214,190 |
| Woolsey, Lynn (D–CA–6th) | Golden Gate National Recreation Area | 5,659 | 69,234 | 27,903 | 102,796 |
| | Muir Woods National Monument | 211 | 0 | 0 | 211 |
| | Point Reyes National Seashore | 1,027 | 15,622 | 0 | 16,649 |
| Total shortfall | | | | | 119,656 |
| Wynn, Albert (D–MD–4th) | Baltimore-Washington Pkwy | 179 | 0 | 0 | 179 |
| | National Capital Parks—East | 2,491 | 0 | 11,117 | 13,608 |
| | Piscataway Park | 128 | 580 | 0 | 708 |
| Total shortfall | | | | | 14,495 |
| Young, Don (R–AK–All) | Aniakchak National Monument and Preserve | 95 | 0 | 0 | 95 |
| | Bering Land Bridge National Preserve | 662 | 0 | 5,564 | 6,226 |
| | Cape Krusenstern National Monument | 201 | 0 | 0 | 201 |
| | Denali NP and Preserve | 992 | 0 | 18,307 | 19,299 |
| | Gates of the Arctic NP and Preserve | 716 | 1 | 0 | 717 |
| | Glacier Bay NP and Preserve | 673 | 0 | 19,354 | 20,027 |
| | Katmai NP and Preserve | 929 | 63 | 20,638 | 21,630 |
| | Kenai Fjords NP | 495 | 0 | 10,459 | 10,954 |
| | Klondike Gold Rush National Historical Park | 161 | 0 | 1,331 | 1,492 |
| | Kobuk Valley NP | 29 | 0 | 0 | 29 |
| | Lake Clark NP and Preserve | 329 | 0 | 6,939 | 7,268 |
| | Noatak National Preserve | 120 | 0 | 0 | 120 |
| | Sitka National Historical Park | 49 | 70 | 4,355 | 4,474 |
| | Wrangell-St. Elias NP and Preserve | 899 | 0 | 15,223 | 16,122 |
| | Yukon-Charley Rivers National Preserve | 309 | 0 | 3,181 | 3,490 |
| | Statewide Park | 0 | 0 | 59,867 | 59,867 |
| Total shortfall | | | | | 172,011 |
| Zimmer, Dick (R–NJ–12th) | Delaware Water Gap National Recreation Area | 2,598 | 7,517 | 147,600 | 157,715 |
| Total shortfall | | | | | 157,715 |

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I tried to rush through my statement as rapidly as possible and in so doing I would not consider it to be an eloquent presentation. I want to stress a couple of points here because of the importance of this amendment and what it indicates. As I tried to point out in my statement, this bill will put a national park out in the middle of the desert without the amenities and the necessary facilities that people who visit national parks expect. We will then have these people running around trying to find what they can in the way of a camping location, travel through the system, and all the other things which are already structured in a national park such as Yosemite, Yellowstone, the Everglades, or some of the others. So now you have a station wagon full of people who have no direction, who in many cases have never been in the desert before but because out on the freeway, out on an interstate you have a sign that says National Park, they have then become unintentionally, part of the very thing that we are trying to avoid here and, that is, the deterioration of the natural habitat because of a lack of facilities to be able to handle these people, in accordance with what we have now presented to the public on an interstate as a national park.

Mr. Chairman, this aspect has nothing to do with the infrastructure and the private property that is ultimately going to have to be purchased by the Federal Government. It deals with the day-to-day nuts and bolts of what we create in the way of an attraction. A national park listed in any magazine, in any kind of periodical, and somebody who is going from point A to point B on their vacation, or for other reasons is going to say, "Let's stop off and take a look at this new national park," expecting these facilities, these amenities. They are not there and we are going to have problems because these people do not understand what the desert is all about, and there will be no way of explaining it to them.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding.

I ask for this time if I could enter into a colloquy with the chairman of the subcommittee, the gentleman from Minnesota [Mr. VENTO].

I know of the great expertise in this field of the gentleman from Minnesota [Mr. VENTO]. He has spent years looking at the problems of the parks. We all recognize that. I wonder if maybe he has developed some answers relative to how we handle these very difficult expenditures that are required that is not apparent to any of us. For example, in the Death Valley National Monument, there presently is a $24 million backlog in just the housing facilities that are needed there. Secretary Babbitt has refused to respond to our letters regarding that.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the housing issue is a separate issue with the Park Service. Frankly as I have spoken earlier on the floor, BLM nationwide has 200 units of housing. The Park Service has over 4,000. I think there are some problems.

If the gentleman would continue to yield to me, the point being that the housing policies of the Park Service I think are something that has been eclipsed by where we are today as opposed to 1960 and we may not need all the housing that is being proposed. Some remote areas do need housing. Clearly there are a number of projects in terms of private-public sector trying to provide the opportunities in the communities around, rather than in the park either for concessionaires or employees.

Mr. POMBO. Mr. Chairman, reclaiming my time, I yield to the gentleman from California.

Mr. LEWIS of California. The chairman of the subcommittee has essentially said, we will kind of worry about that housing later.

Mr. VENTO. If the gentleman would yield further, that is not what I said.

Mr. LEWIS of California. If the gentleman would yield further, I would suggest that the chairman implies at least that BLM is in some way involved. The Park Service runs the national monument.

Mr. VENTO. If the gentleman would yield further. The Park Service has 4,000 units. The BLM has 200 nationwide.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would continue to yield, it is very apparent that the chairman wants to essentially sidestep this whole question. If a park is made out of the national monument currently in Death Valley, it will not just have the problems that are outstanding already. The Secretary has suggested we will need at least 70 additional personnel. There is no indication whatsoever how we are going to pay for those personnel. The extension of complications relative to housing, I mentioned earlier that we have been over 120 degrees for a recordbreaking time out there and these people are living in metal crates. Indeed, this kind of lack of responsiveness to the real needs of the Park Service is affecting us negatively across the country and the Members should know that.

Mr. HERGER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague yielding.

Mr. Chairman, the point that I want to make involves a couple of things. First, it is astonishing to me with as relatively little time as we have left on this bill, that the chairman of the committee has chosen to readopt the style which is roll over the people who represent the desert and not allow people to talk even for 2 minutes beyond their normal time in this process. But above and beyond that, for this committee to be so blithe about the very real living circumstances of members of our Park Service who are living in conditions that have been described by the Secretary as totally unacceptable and to suggest that we could expand these parks when they are already operating reasonably well as monuments without worrying about those additional personnel and expenses is not acceptable and Members should know that every dime in the future that goes to these new parks is going to be taken from their parks across the country, throughout the States, throughout America.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from California.

Mr. POMBO. I would just like to make one point. It was mentioned in earlier debate that we get $1 billion a year to spend on new parks, new national parks. Passed out of committee, out of the Committee on Natural Resources so far this year is $3.95 billion in acquisition of new parks, including $1.2 billion for the Presidio, the Six River Forest at $1 billion and the California desert protection bill at $1.2 billion as passed by committee.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding.

I would just like to say the numbers that have been presented are numbers not only provided by the National Park Service but also the OMB have in fact confirmed that these shortfalls are in fact there. This is a serious amendment. We just do not have the money to manage our Park System the way we all would like to see it managed. We have shortfalls in employees at the parks. We have shortfalls in land acquisitions. We are just in terrible, terrible shape. As far as the land and water conservation fund, that is an appropriation problem unfortunately that hopefully we can all work together to get resolved. What we are saying, if we can get that problem resolved, then we could go ahead and move forward to acquire the property that is necessary to in fact move toward the acquisition of the land in the desert.

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Mr. HERGER. Mr. Chairman, I do appreciate the comments. I have in my northern California district seven national parks. One of them, Lasson National Park, is the only major national park in the Nation that does not have a visitors center. The funding has been so tight over the years that even funding for what many of us would feel is the most basic of necessities in our parks has not been there.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, the author of this amendment says that this is a serious amendment. Obviously it cannot be a serious amendment. It has not been proposed on any of the other major park legislation that has moved through this Congress over the last year and one-half because this amendment is designed for one purpose, to do indirectly what they cannot do directly. That is the establishment of this Park System in the desert of California that is overwhelmingly supported by the people of California.

If this were a serious amendment, if this were a serious concept, then we would apply it to the Department of Transportation where we would say we cannot authorize a public works bill until the backlog in public works is done. You cannot add any new systems of highway. But the fact is that we know that this kind of legislation allows us to put before the Appropriations Committee, to put before the departments, the organizations of where they want to move to save resources in the case of the national parks, where they want to dedicate transportation dollars to rail, or to highways as submitted to them by the Congress, decisions made by the Congress.

We do not do this in the Department of Defense. If there is a shortfall in operations in the Department of Defense, in the readiness in the Department of Defense or in strategic weapons, we do not say we cannot authorize a new weapons system until you pick up the backlog in readiness or what have you. The fact is we authorize these based upon the input from the departments, based upon the input from our constituents, and then the departments get an opportunity, the Appropriations Committee gets an opportunity to take advantage of that, to take advantage of a willing seller.

People who have inholdings no longer want to sell them. You are counting that against the backlog. When we created Yosemite National Park, Mineral King, or Kings Canyon people thought this was going to be a terrible experience. They are now fighting to hold onto their inholdings because they find out that they have something that is unique, they have something that is unique in this Nation, and that is an inholding in the middle of a wonderful national park, and that experience and that care that is given to those resources.

We do not do this on the public works bills. We do not do this in any other

area. We do not have the Department of Education suggesting that you have to clean up the backlog before you can move around based upon the opportunities. We cannot do it to people who want water projects in their districts.

I joined with all of the gentlemen in front of the subcommittee of the gentleman from Alabama [Mr. BEVILL]. We have a shortfall in California water projects. How would you like to deal with flood control on this basis? We could not deal with any of the new requests that are brought to the committee of the gentleman from Alabama [Mr. BEVILL] until the backlog was done.

So this obviously is not a serious amendment. This is an amendment to try to delay the designation of these resources as parks, to upgrade the maintenance, and the care and the management of these resources. It denies what the Secretary of the Interior has said about the ability to care for these in a much more efficient manner as they are operated in these units.

We are simply not telling the truth to our colleagues in the House, and we ought to understand that we watch these budgets and attempts made by the past administrations to slash these budgets. Fortunately, the Congress did not go along with that. But as my colleague from Minnesota pointed out, acquisition costs continue to go up, and if we are not going to have the ability to move when opportunities arise, all we do is make this process far more expensive.

So let us not try to damage this effort that is overwhelmingly supported by the people of the State by offering this kind of amendment that we would not think of offering on other legislation in other matters that suffer from a far greater shortage.

Do my colleagues want to talk about the infrastructure shortage in the Nation and then talk about whether or not we can allocate a new highway system, or patch a road in one of your districts that you think is terribly important? That is what the Appropriations Committee is for. Every subcommittee of the Appropriations Committee has more people testifying before it as to what they would like, and if this is too big a task for them, maybe we should change the Appropriations Committee. But the fact is they sort it out, they bring to the committee what they believe are the priorities based on the recommendations from the administration and what is doable in that fiscal year. That is the process we ought to continue. We would appreciate the support of all of the Members on the other side of the aisle that we do not have when we try to increase the appropriations for land and water conservation.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I am glad to observe all of the friends of the Park Service here today. But we need them on a more constant basis, all of the time putting this as a priority as certainly many of us do.

The fact is, of course, if these lands do not become parks, and remain in the BLM, then they are subject to the mining laws and the other activities that go on there, and the public lands need to be managed. If somebody is out there with a bulldozer doing something, they can do a lot more harm than they can with a camera going into a park.

The fact is all of these needs arise. So the amendment really is not addressing what the problem is.

The fact is there is a lot of problems and we need to defeat this amendment. That is the first problem.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the requisite number of words and I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I appreciate my friend yielding. I rise simply to respond in part to the outrageous statements made by Chairman MILLER.

He suggested, for example, that somehow the House ought to discount this amendment because it had not been presented on this sort of a bill before. I might suggest to my chairman that we had an amendment last week on this bill that had not been presented before that had to do with property rights as well. It suggested rather strongly that the department should not be allowed to decrease the value of property, of inholdings that they were going to take because of expanding parks, because of an endangered species happening to suddenly arrive there. It was a property rights bill that had never been presented before, and it passed this House by 133 votes with a majority of Democrats and Republicans supporting it.

Obviously, the people across the country are sick and tired, sick and tired of committees like this suggesting we will lightly take people's property for any whim, and then let them sit in somebody's inventory forever. The Secretary has said they can sit in the parks as long as until hell freezes over essentially.

I must say that the chairman is being greatly excessive in terms of his candor with the Members. Inholders, he suggests, sometimes get in the park, and suddenly want to keep their property. Tell that to the citizens across the country in your district for those of us in States where there are inholders standing in line where the department says they can wait. Tell your parks that they have plenty of money and we can afford to expand these parks.

The chairman, to say the least, is attempting to shade the message to our Members. This amendment is a property rights amendment that is very important, and I appreciate my colleague yielding.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to my colleague, the gentleman from California.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding. I just wanted to point out the reason why we have a deficit as large as it is in this country is because we do not take care of past obligations. I am new to this body, but in the short time I have been here I have learned that the reason why our budget deficit grows by billions and billions of dollars every month, every day, is because we do not take care of past obligations, and that is what we are attempting to do with this piece of legislation.

Again, I thank the gentleman for yielding.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. Let me just add to the comments by the gentleman from California [Mr. LEWIS] about the Calvert amendment. This is a commonsense amendment, and I guess it is at least surprising to me to see the other side characterize this as nonserious and be outraged that the gentleman from California [Mr. CALVERT] would suggest that we pay for that which we have already committed to before we go out and take on a new batch of Federal commitments, because that is exactly what we are doing. We are going to put the taxpayers, we are going to ratchet them up one more notch, and we are going to stretch the Park Service thin. I say to my friend, the gentleman from Minnesota [Mr. VENTO], the Park Service is stretched thin. That is the reports we get from all of our users. It is the reports we get from our own bureaucracy, and the gentleman cannot tell us where we are going to be getting the money. We are not going to be getting the money. The country is going broke, and the gentleman from California [Mr. CALVERT] has the temerity to suggest that we pay for what we have already committed to before we take on other obligations.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I would say to my friend in the well, the gentleman from California, that I agree with him, the Park Service is stretched. But this amendment does not require any payments, this does not do anything about it. All this does is defeat the California parks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CALVERT], as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CALVERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 288, not voting 13, as follows:

[Roll No. 355]

AYES—138

Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Carr
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fields (TX)
Fowler
Gallegly
Gallo
Gekas
Geren
Goodlatte
Goss
Grams
Grandy
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lancaster
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Penny
Peterson (MN)
Petri
Pombo
Portman
Pryce (OH)
Quinn
Roberts
Rogers
Rohrabacher
Roth
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Spence
Stearns
Stump
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Walker
Young (AK)
Young (FL)
Zeliff

NOES—288

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Hughes
Hutto
Inslee
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—13

Bentley
Clayton
Doolittle
Fish
Frost
Gingrich
Goodling
Hoyer
Owens
Slattery
Solomon
Washington
Wheat

□ 1151

Mr. SERRANO and Mr. GILLMOR changed their vote from "aye" to "no."

So the amendment, as modified, was rejected. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Chairman, had I been able to get beyond the White House chains where we had the celebration on the Disabilities Act and, had I gotten one finger held up, as I ran down the aisle over here while the lights were still on, I would not have missed the vote. But had I been here on the Calvert vote, I would have voted "yes."

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that all debate on the remainder of the bill and all amendments thereto close at 2 p.m. today.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. McCANDLESS. Mr. Chairman, reserving the right to object, I would like to get an understanding of what the chairman of the committee might have in mind here relative to his request.

The CHAIRMAN. The gentleman's request is that the total time for the debate on this bill and all amendments thereto would be concluded at 2 p.m. today.

Mr. McCANDLESS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I move that all debate on the remainder of the bill and all amendments thereto close at 2 p.m. today.

The CHAIRMAN. The question is on the motion offered by the gentleman from California [Mr. MILLER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCANDLESS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 179, not voting 14, as follows:

[Roll No. 356]

AYES—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee

Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quillen
Rahall
Rangel
Ravenel
Reed
Richardson
Ridge
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—179

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pickle
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Bentley
Clay
Dellums
Fields (TX)
Herger
Hilliard
Hoke
Markey
Molinari
Norton (DC)
Reynolds
Slattery
Valentine
Wheat

□ 1213

Mr. EWING changed his vote from "aye" to "no."

Mrs. KENNELLY changed her vote from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The motion agreed to is that all debate on this bill and its printed amendments will conclude at 2 p.m. today.

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. VUCANOVICH: At the end of the bill, add the following new section:

"SECTION 703. FOREIGN MINERAL DEPENDENCE.

The Secretary shall waive any provision of this Act, in whole or in part, if such provision is determined to require importation of any mineral from any foreign nation in excess of 90 percent of 1992 domestic consumption. Such determination shall be made within one year of enactment of this Act by the Director of the Bureau of Mines, Department of the Interior, who shall consider all alternatives for these minerals."

Mrs. VUCANOVICH. Mr. Chairman, I have an amendment to title VII of H.R. 518 which was printed in the RECORD on my behalf by Mr. LEWIS of California, concerning the provisions of the California Desert Protection Act and our Nation's dependency on mineral imports from foreign nations.

Mr. Chairman, my amendment would protect our Nation's strategic interests by simply requiring the Director of the Bureau of Mines to determine whether or not provisions of H.R. 518, if enacted, are causing the U.S. dependency on foreign imports to exceed 90 percent of our domestic consumption of any mineral product.

Mr. Chairman, I have here a graph prepared from the U.S. Bureau of Mines annual summary of mineral commodities which depicts our net import reliance on selected nonfuel minerals for 1993. For some commodities such as bauxite, the ore of aluminum, graphite, manganese and the high-tech minerals, strontium and niobium, we were 100 percent dependent upon foreign sources for our domestic consumption last year. For industrial diamonds and asbestos, we were over 95 percent dependent on foreign sources. For platinum group metals used in catalytic converters in automobiles and other pollution controlling devices the United States imported 88 percent of its needs. Chromium and tungsten are steel-hardening agents for which we were over 82 percent dependent upon imports, as we were likewise for tin and fluorspar, the ingredients for the ubiquitous additive in toothpaste, stannous fluoride.

And the list goes on and on. I might add that gold and silver are not on it however, because of successful exploration for and development of mines in my State and in the California desert, such as the Castle Mountain Mine for which the boundary of the proposed East Mojave Preserve was modified to exclude reserves for future years production. That was the amendment offered by my colleague from Nevada, and second degree amended by Chairman Miller to do likewise for mining claims adjacent to the Mountain Pass rare-earth mine astride Interstate Highway 15.

I supported those boundary adjustments as necessary to protect identified reserves for future mining at those active mining operations, and I am appreciative that the authors of this bill came around to this same conclusion, albeit not during markup in the Natural Resources Committee. Likewise, both this bill and the one passed by the other body make a boundary adjustment in the Panamint Range to exclude from wilderness designation a couple of identified deposits of disseminated gold. I note President Bush's recommendation was to declare those lands not suitable for wilderness status anyway, but H.R. 518 would put them into the system regardless.

Nonetheless, the amendment before us now remains necessary because the authors of this bill have not agreed to exclude from conservation units they would create in this bill many hundreds to thousands of mining claims that contain the potential to supply domestic needs for minerals. And that's just lands sufficiently prospected to date to be deemed worthy of claim-staking.

Certainly, much of the area remains unknown geologically in the detail necessary to delineate orebodies. The U.S. Geological Survey and the Bureau of Mines have done studies in some wilderness study areas within the area swallowed up by H.R. 518, but not for all of them by any means. Why? Because the Department of the Interior decided a decade ago to study on-the-ground only those WSA's which were initially recommended suitable for inclusion in the Wilderness Preservation System. For those WSA's for which other factors lead to the recommendation to Congress to not put them into

Wilderness the budget did not support detailed mineral surveys. Consequently, because H.R. 518 would put into wilderness many areas recommended nonsuitable for such status, passage of this bill will ensure inclusion of undiscovered mineral deposits for which neither Government geologists nor private prospectors have had opportunity to assess.

Mr. Chairman, the Bureau of Mines did complete an investigation of mineral potential in the East Mojave area of the desert in 1991. That review looked only at mineral prospects already identified—some 701 occurrences—and filtered those down to 24 deposits for which mines were existing or could be profitably mined in the near future. The Bureau went on to analyze the impact of restrictions to development of just those 24 deposits and determined that setting aside the area as a National Park would likely leave $2 billion of undeveloped resources in the ground. And, Mr. Chairman, that is assuming the protection of valid existing rights to develop the deposits at existing mines.

Now, the Committee of the Whole has voted to make the area a preserve, not a park, but it would remain off-limits to mineral development nonetheless, so this assessment of economic impact remains valid today. But, even this huge impact is understated. The Bureau said "the greatest impact of restrictions on mining relate to the untapped potential." Mr. Chairman, that means the undiscovered mineral resources we can only speculate must exist in this highly mineralized piece of the Earth's crust.

□ 1220

The CHAIRMAN. The time of the gentlewoman from Nevada [Mrs. VUCANOVICH] has expired.

Mr. McCANDLESS. Mr. Chairman, I ask unanimous consent that the gentlewoman from Nevada [Mrs. VUCANOVICH] be allowed to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Mr. Chairman, I reserve the right to object.

PARLIAMENTARY INQUIRY

Mr. McCANDLESS. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. McCANDLESS. Mr. Chairman, it is my understanding that the motion passed to limit debate to a period not to exceed 2 o'clock on all amendments, et cetera.

The CHAIRMAN. The gentleman is correct.

Mr. McCANDLESS. Mr. Chairman, it would appear to me that the gentlewoman from Nevada [Mrs. VUCANOVICH] would certainly be entitled, under that rule, for a 3-minute extension to her remarks.

The CHAIRMAN. The request of the gentleman from California [Mr. McCANDLESS] requires unanimous consent. The Committee is operating under the 5-minute rule.

Mr. MILLER of California. Mr. Chairman, reserving the right to object, the only reason I object is to know, since we do have a time limit, whether the gentleman's side is going to have other amendments or time for other Members to speak, or how he is going to handle this?

Mrs. VUCANOVICH. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentlewoman from Nevada.

Mrs. VUCANOVICH. Mr. Chairman, from my position, I would be happy to explain to the gentleman from California [Mr. MILLER] that I have probably less than 1 minute.

Mr. MILLER of California. Mr. Chairman, reserving the right to object, I am trying to get some information as to how the gentleman anticipates the time being apportioned. Most of the amendments, if not all, are the gentleman's amendments. I just did not know if Members were aware of the overall time limit and that the clock is now running down.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, my response, if I understand the gentleman's question correctly, is that irrespective of whether the gentleman yields on the unanimous-consent request or not, or other factors that might follow, the limit for debate is 2 o'clock, irrespective, if I understood the motion the gentleman made earlier.

Mr. MILLER of California. That is correct.

Mr. McCANDLESS. Mr. Chairman, that would mean that the 3 minutes that the gentlewoman from Nevada [Mrs. VUCANOVICH] is asking to have would come out of that time between now and 2 o'clock.

Mr. MILLER of California. Mr. Chairman, if that is all right with the minority, that is fine. The gentleman from California [Mr. McCANDLESS] has the most speakers.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the gentlewoman from Nevada [Mrs. VUCANOVICH] is recognized for 3 additional minutes.

There was no objection.

Mrs. VUCANOVICH. Mr. Chairman, the U.S. Geological Survey, in Circular No. 1024 of 1989, listed these metals commodities as having been produced from the desert in the past: antimony, bismuth, cadmium, gold, iron, lead, lithium, manganese, magnesium, mercury, rate-earths, tin, tungsten, uranium, vanadium, and zinc. A to Z. In addition nonmetallic minerals include borates, rare-earths, sand, gravel, pumice, cinders, limestone, and clay.

My amendment is a reasonable step to assure some semblance of regard for our national interest in having domestic supplies of mineral commodities our society demands. I merely seek to have the Director of the Bureau of Mines report to Congress, within 1 year of enactment—I do not seek delay, whether or not the act would put us beyond the 90-percent threshold on this chart if the parks, preserves, and wilderness so designated are forcing foreign mineral dependency. Do I believe the trigger of this amendment will be pulled? No, its not very likely. But neither is it likely a subsequent Congress will undo the designations in this bill which could prompt increased import dependency. So why not put in this provision and let a future Congress override it if they think necessary?

Mr. Chairman, my friend, the gentleman from Youngstown, OH, is a true champion of the Buy-America Act. Well, this amendment is nothing more than the explicit application of that philosophy to our natural resources. I urge his support and the support of all our colleagues for the Lewis amendment.

Mr. Chairman, I include for the RECORD a chart setting forth the 1993 net import reliance of selected nonfuel mineral materials as a percent of apparent consumption:

1993 NET IMPORT RELIANCE [1 2] OF SELECTED NONFUEL MINERAL MATERIALS AS A PERCENT OF APPARENT CONSUMPTION [3]

| | | Major sources (1989–92) |
|---|---|---|
| Arsenic | 100 | Chile, China, Mexico, France. |
| Bauxite and Alumina | 100 | Australia, Jamaica, Guinea, Brazil, Guyana. |
| Columbium (niobium) | 100 | Brazil, Canada, Fed. Rep. of Germany. |
| Graphite | 100 | Mexico, China, Canada, Madagascar, Brazil. |
| Manganese | 100 | Rep. of South Africa, France, Australia, Brazil. |
| MICA (sheet) | 100 | India, Belgium, Brazil, China. |
| Strontium (celestite) | 100 | Mexico, Fed. Rep. of Germany. |
| Thallium | 100 | Belgium, Canada, United Kingdom (U.K). |
| Diamond (industrial stones). | 98 | Ireland, U.K., Zaire, Rep. of South Africa. |
| Gemstones (natural and synthetic). | 98 | Israel, Belgium, India, U.K. |
| Asbestos | 95 | Canada, Rep. of South Africa. |
| Fluorspar | 89 | Mexico, China, Rep. of South Africa, Canada, Morocco. |
| Platinum-Group Metals | 88 | Rep. of South Africa, U.K., former U.S.S.R. |
| Tantalum | 86 | Fed. Rep. of Germany, Australia, Canada, Brazil. |
| Tungsten | 84 | China, Bolivia, Peru, Fed. Rep. of Germany. |
| Chromium | 82 | Rep. of South Africa, Turkey, Zimbabwe, Yugoslavia. |
| Tin | 81 | Brazil, Bolivia, China, Indonesia, Malaysia. |
| Cobalt | 75 | Zambia, Zaire, Canada, Norway. |
| Potash | 71 | Canada, Israel, former U.S.S.R., Fed. Rep. of Germany. |
| Cadmium | 66 | Canada, Mexico, Australia, France. |
| Nickel | 64 | Canada, Norway, Australia, Dominican Republic. |
| Barite | 58 | China, India, Mexico. |
| Antimony | 57 | China, Mexico, Rep. of South Africa, Hong Kong. |
| Peat | 56 | Canada. |
| Iodine | 51 | Japan, Chile. |
| Selenium | 46 | Canada, Japan, Belgium-Luxembourg, U.K. |
| Silicon | 34 | Brazil, Canada, Venezuela, Norway. |
| Gypsum | 29 | Canada, Mexico, Spain. |
| Magnesium compounds | 26 | China, Canada, Greece, Mexico, Japan. |
| Zinc | 26 | Canada, Mexico, Peru, Australia, Spain. |

1993 NET IMPORT RELIANCE [1 2] OF SELECTED NONFUEL MINERAL MATERIALS AS A PERCENT OF APPARENT CONSUMPTION [3]—Continued

| | | Major sources (1989–92) |
|---|---|---|
| Pumice and pumicite | 25 | Greece, Ecuador, Mexico, Turkey. |
| Vermiculite | 16 | Rep. of South Africa. |
| Nitrogen | 15 | Canada, former U.S.S.R., Trinidad and Tobago, Mexico. |
| Sulfur (elemental) | 15 | Canada, Mexico. |
| Iron and steel | 12 | European Community, Canada, Japan, Brazil, Rep. of Korea. |
| Iron ore | 12 | Canada, Brazil, Venezuela, Mauritania, Australia. |
| Salt | 12 | Canada, Mexico, Bahamas, Chile. |
| Lead | 11 | Canada, Mexico, Australia, Peru. |
| Mica (scrap and flake) | 11 | Canada, India. |
| Cement | 8 | Canada, Mexico, Japan, Spain, Columbia. |
| Perlite | 3 | Greece. |

[1] Estimated.
[2] Net import reliance=imports—exports+ adjustments for Government and industry stock changes.
[3] Apparent consumption=U.S. primary+secondary production+net import reliance.

Mr. HANSEN. Mr. Chairman, I rise in strong support of the Vucanovich amendment dealing with foreign mineral dependence.

This Congress is constantly debating ways to increase our ability to compete in the world marketplace and reduce our foreign trade deficit. Members on both sides of the aisle agree we must make progress in these areas to improve our own economy.

As the chart of the gentlewoman from Nevada [Mrs. VUCANOVICH] indicates, the United States is already over 100 percent dependent on foreign sources for such important minerals as bauxite, graphite, and managanese. We are over 90 percent dependent on foreign sources of industrial diamonds.

As this country painfully learned from our experience in the 1970's with OPEC, foreign dependence on natural resources can have devastating impacts on our fragile economy.

The Vucanovich amendment merely empowers the Secretary of the Interior to waive any provision of this act which results in the United States becoming over 90 percent dependent on foreign sources for any mineral. With rapidly changing technologies and their resulting new demands on resources, we must assure that this act does not impede our ability to compete in the world marketplace. We must assure flexibility that we can produce important minerals for our Nation's future.

Mr. Chairman, I urge my colleagues to support the Vucanovich amendment.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH]. I think this is an amendment that is very, very important from a national defense perspective. There are a large number of items, of minerals and metals, that come from the California desert that are considered to be critical to our national defenses. Those are metals like chromium and tungsten and other materials that are used to make jet engines, to make other militarily critical items. I would like to review very briefly what some of these are.

The gentlewoman has talked about bauxite and aluminum. We are now 100 percent dependent on foreign sources for those.

For manganese, we are 100 percent dependent, presently, on foreign sources for that particular item. Yet, the desert is known to have those resources.

Tungsten is another item that is of militarily critical use to us. We are 85 percent dependent on foreign sources. Let me list some of the foreign sources we are dependent upon: China, Bolivia, the Federal Republic of Germany, and Peru. They are the major suppliers of tungsten.

Tin, we are 73 percent dependent on Brazil, Bolivia, China, Indonesia, Malaysia.

Antimony, we are 58 percent foreign-dependent, and those suppliers are China, Mexico, the Republic of South Africa, and Hong Kong.

Cadmium, we are 49 percent foreign-dependent on Canada, Mexico, Australia, and the Federal Republic of Germany.

Think, we are 34 percent foreign-dependent on Canada, Mexico, Peru, Spain, and we go down the line, Mr. Chairman.

□ 1230

The point is that the California desert has supplies and deposits of these militarily critical materials and unless we make an inventory of what we have, which is essentially what the gentlewoman is asking us to do, we are not going to be able to determine whether or not we have supplies that might be necessary to the Nation's defenses should we at some point be cut off from this foreign supply. That is the genesis or the justification for maintaining a national defense stockpile. Those items I listed are on the national defense stockpile.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, I feel it essential to bring to Members' attention a matter that is critical to what we are doing today in the world of computers, and that is rare earths. There is a goodly deposit of rare earths that is included in the modified Joshua Tree boundary lines. Rare earth is something we kind of have to explain. What it is, is an element of the process by which we ultimately develop computer chips and other components for electrical activity. I cannot overemphasize the importance of such things as this, irrespective of whether they are or are not in a wilderness area, whether they are or are not in the Joshua Tree National Monument, or whatever it ends up being. The gentleman speaking is graphically illustrating what it is that we have to have in the way of resources if we are going to continue to build our economy and offset our deficit of trade.

Mr. HUNTER. Mr. Chairman, I would conclude by saying we are talking about basically locking up 7 million acres. We are doing that without taking the most basic of commonsense actions and, that is, to make a little inventory of what we have. Particularly, the gentlewoman's amendment goes to requiring the Director of the Bureau of Mines to determine whether or not provisions of this bill, if enacted, would cause the United States' dependency on foreign imports to exceed 90 percent of the domestic consumption of any such mineral product. That is common sense. It is something that is important. It has been stated by the other side, the proponents of this bill, that we are stewards of our natural resources and that is the reason that Members of the House should support this desert bill. We are also stewards of national security. For that reason, everyone in the House should support the gentlewoman's amendment. I thank her for offering it and I urge its full support.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, the bill the Members have been talking to is not included in the amendment that has been proposed by the gentlewoman. That we have critical minerals is a fact but this amendment before us does not talk about critical or strategic minerals. It says any mineral. That is the language of the amendment, any mineral from any foreign nation in excess of 90 percent of 1992 domestic consumption. It starts off by saying the Secretary shall await any provision of this act in whole or in part if such provision is determined to require importation of any mineral beyond that 90 percent number that we have. That is what the amendment says. There is nothing in here about an inventory of what is available, the sort of reasoned arguments that are being made, or about a report to Congress. This provides for the unilateral action by the Secretary of Interior under the advice of the Bureau of Mines to open up the California Desert Act, and he shall do it, not maybe, but shall do it. That is what this amendment provides.

What is the effect of it? Read your amendment. Members well know that any mineral, it could be a list of the strategic ones we talked about, but what is mined there today? Sand, gravel, talc. Remember 20 Mule Team Borax? These are the strategic minerals. Is there some shortage of talc that occurs that causes us to then undo the provisions, any provision of this act? Eight million acres of wilderness is designated. Four million acres of parkland is designated in this act. And

we are going to undo it because we have some sort of a critical shortage of talc or borax? I guess it might be a crisis someplace. Not enough for stonewashed jeans.

The point is, this amendment undoes the designations that occur here with regard to wilderness. It does it in a unilateral way. In fact, of course, the boundaries of these wilderness areas, the boundaries of these parks are looked at as based on the information we have. Do we have enough information? Probably not. Will we ever have enough information? Probably not. Are we using the information that we have? Absolutely, in terms of making decisions in 1994. That is what we use. We have excluded claims. The gentleman from California that has been interested in this most specifically in this Congress [Mr. LEHMAN] has attempted, the Members of the other body, the Senate, have avoided this. They try to avoid claims and patents of areas. In fact what about the public lands and how they are being used today in terms of what the cost is? What about something called due diligence? Just speculative claims does not do it. It does not get us there. Of course if we look across the landscape at the public lands, we find it is a scandal. That is why we are in conference and the gentleman from California [Mr. MILLER] and the gentleman from South Dakota [Mr. JOHNSON] are working to try to come up with a decent mineral law, rather than one that exploits and destroys the land in this country. Yet this amendment would put them before everything else and any other use. It is wrong. This amendment ought to be defeated and I urge my colleagues to defeat it.

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, mining is a major industry in my State and district—and, it is a major source of wealth for the entire country.

The minerals which exist below the surface of our Earth are not merely ornamental. There is more than just gold and silver in them there hills. There are bauxite, graphite, tungsten, and many other minerals of tremendous strategic importance.

And, there are minerals which have uses we have yet to discover—minerals which may contain substances that will provide a cure for cancer, heart disease, AIDS or other horrible diseases.

Mr. Chairman, let us not lock up potential miracles. Let us not lock up our mineral wealth.

I urge a "yes" vote on the Lewis-Vucanovich amendment.

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise as chairman of the Subcommittee on Energy and Mineral Resources to oppose this amendment. I must tell Members the other night, I was reading from an old CONGRESSIONAL RECORD about the battle over the creation of Yosemite National Park in my district. The same type of argument we are hearing here was brought up at the creation of that great national treasure's legislation which protected it, an attempt to say that one certain value here is more important than anything else or than the legitimate public interest is.

Mr. Chairman, this amendment is as mischievous as the last one was. It takes away all discretion from the Secretary with respect to his ability to make decisions on these lands. It says he shall waive any provision of the act. It does not say he may waive it, it does not say he may take anything else into consideration except the narrow provisions here. It ignores the fact that in putting this legislation together, we have excluded from the boundaries of the wilderness areas all operating mines. There are no operating mines within the boundaries of any wilderness area under this act. We have gone out of our way in every instance in fact to go beyond that where mining interests have had legitimate claims outside the boundaries to give them rights in those cases as well. It has not come to our attention at any time over the debate on this bill that there is any kind of mineral that is in the national interest that we ought to move and try to protect. Indeed, we certainly would have done that had it come to our attention, but it is not the case here. This is just an attempt to prevent this legislation from going forward.

As the gentleman from Minnesota [Mr. VENTO] just indicated, though the talk we hear on the floor is about protecting strategic minerals and things that might be vital to our national defense, that is not mentioned at all in this amendment. This amendment would apply to any minerals at all, to any kind of substance and not limit it to those that might have some strategic importance or value. That is certainly not the intent of the legislation.

The intent of the legislation is not to protect strategic minerals. The intent of the legislation is to undo the legislation that is before us. I think we should reject the amendment and get on with passage of the bill.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to the gentleman from Minnesota.

□ 1240

Mr. VENTO. I thank the gentleman for his work and I know his efforts. He has been very concerned about patented claims that exist within the Mojave and other areas. But I think the one thing wrong with this amendment, if it were adopted, is you would have to change the name of the California Conservation Act to the California Mining and Exploitation Act. So it is an amendment that needs some correction, that is right.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentlelady from Nevada [Mrs. VUCANOVICH]. I would like to thank Mrs. VUCANOVICH for her leadership in dealing with the complex issues involved in reforming the mining law of 1872. She is truly an expert in this field.

This is a commonsense amendment. It simply states that if the United States becomes too dependent on minerals from foreign sources, certain provisions of this legislation could be waived.

The reason this amendment is common sense is because there are a multitude of different minerals in the east Mojave Desert. In fact, according to the report completed by the Bureau of Mines study entitled "Minerals in the East Mojave," there are 701 mineral occurrences in the east Mojave. Of these, 24 are profitable deposits. However, the untapped mineral potential in the east Mojave is phenomenal.

Unfortunately, under the Feinstein-Miller-Lehman bill we may never realize this potential. However, Mr. MILLER and Mrs. FEINSTEIN have said that all valid and existing rights are protected, no mines will be put out of business, and existing mines can still operate under the Mining in the Parks Act. If that is the case, why not adopt this amendment?

Please allow me to step back just a bit. I presume Mr. MILLER is familiar with Pluess-Staufer, Inc. of California?

Pluess-Staufer's claims in the east Mojave represent the largest known deposit of high purity and high brightness calcium carbonate deposits in the Western United States. The claims held by Pluess-Staufer's limestone deposits have a gross value of over $6 billion at today's market price.

Pluess-Staufer has invested over $400,000 to develop these claims. They should be allowed to proceed with the permitting process. This process guarantees that their project complies with all environmental regulations.

If this legislation is implemented in its current form, the 80 employees at the Pluess-Staufer site in Lucerne Valley who earn approximately $20 per hour will be out of work. Contrary to what Mrs. FEINSTEIN and Mr. MILLER say, this bill will cost jobs. Just ask the employees at Pluess-Staufer.

I urge my colleagues to support the Vucanovich amendment. Let's not be put in the position of being totally dependent on foreign sources for our minerals—including strategic minerals which are critical to our national defense effort.

Keep in mind that the only other source outside the California desert

that we have for rare earth minerals is the People's Republic of China.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, once again we are confronted with an amendment that goes far beyond the bounds that those who have spoken on behalf of it have suggested.

This amendment allows the Secretary to waive any provision of this act if any mineral is found that we are 90 percent dependent on. I do not know if that means for a single nation or a group of nations.

Mr. Chairman, I have spoken before and opposed such things as NAFTA, the trade act, and now provisions to extend NAFTA to China, to major mining companies so that we can engage in trade. We have GATT coming up that extends to mining activities and minerals. We have American companies that are seeking to mine in China, and Indonesia and everywhere else. Now somehow because of those actions which you want to give, what you want to give is the Director of the Bureau of Mines the right to waive any provision of this bill, to devastate the wilderness in this bill, to devastate the national parks based upon the finding of any mineral, not whether it is important to the United States, not whether it is critical to military needs, not whether it is strategic to the interests of this country, because the authors of this amendment know in fact those minerals are not present in the desert. And if they are, if they are being mined in the desert, they are grandfathered in. Those mines continue to exist. This committee has gone forward to see that that happens.

We have an ambiguous situation where the gentleman from California has written to me to ask me to work that out in conference, and I told them that I would try to do that, because minerals are not threatened, because we allow them to continue. So what is really going on here?

This is what we have seen in the last several amendments, to try to do indirectly what they cannot do directly, because the people of California overwhelmingly support the creation of these parks, Congress overwhelmingly supports it, and we have seen when we voted on this in the past, when we turned down these kinds of amendments, now to simply give blanket authority to override the Wilderness Act, to override the national park programs on the basis of some minerals that may be there sometime, let the Secretary come forward and tell this to the Congress, and let us not pretend that if the Secretary waived this and the Director of Minerals made this recommendation that that mine would be up and running in any short period of time. That is why we have stockpiles of strategic materials and minerals. That is why we have a petroleum reserve. That is why we have a stockpile of critical resources, so we can meet those needs.

The gentleman in the well recently said that Bolivia, Germany, and China were responsible for one of the minerals on the list where we are already 100 percent dependent. The point being that is a decision that this country and this Congress have already made, previous administrations have made, that they have encouraged those imports into this country, encouraged those companies to go to work, American companies to work in those foreign lands. The fact is if all of those countries get together in a consortia to cut off our minerals, then there is something going on in the world that is far larger than this act.

But the point is this: We have had the Geological Survey look at this, the National Academies have looked at this, and the probability of finding any commercial or strategic minerals is de minimis, it is essentially de minimis. Why? Because we have had people that have been exploring and that have been looking, and those who have found them are grandfathered in.

The gentlewoman keeps putting forward the amendment saying they are going to do a little inventory and submit a report, but the fact is there is nothing in the amendment about that, and the amendment provides for a waiver of every provision in this act that sets up these national parks in the California desert, and it is essentially to override what the Congress is going to do here and what the people of California, all of the people in the State of California have supported in our efforts to do, and that is to manage these resources on a multiple-use basis so that they can be preserved for the future.

□ 1250

This would put any mineral in advance of all of those other interests of the desert lands and the people of the State of California.

This amendment should be rejected, just as the last amendment was rejected, because it is simply an effort to try to delay or destroy the designation of these areas as wilderness, as parks, and to do again what they cannot do, and that is to kill this legislation.

Mr. VENTO. Will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

I would just like to point out, and I concur, of course, with the chairman's comment, and this requires the action. But the point is the Congress can, and the Congress has, modified wildernesses to deal with problems that occur, has modified parks to deal with problems that occur, where there are mines occurring in parks, where there are active mines and wilderness, where there are claims, and we could act.

The question here is not to turn this over to a unilateral, unelected bureaucrat in the Department of Interior who may or may not have the best interests of the areas and the American people at heart.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. LEHMAN. Will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. LEHMAN. Mr. Chairman, I just point out that at the present time Joshua Tree and Death Valley National Monuments are managed by the Secretary of the Interior, and this amendment, if passed, would apply a new standard in those areas that is not present now and would allow the opening up of those areas to mineral activity that has been excluded there for about half a century. It does great harm to those two national treasures, Joshua Tree and Death Valley, and I urge its defeat.

Mr. MILLER of California. I appreciate the gentleman's remarks.

That is the point. This amendment is an attempt to stand on its head the previous actions of this Congress, the current action that we are currently debating, and the fact is it does not require any kind of finding. It is simply a determination. It does not require a public process to go through this.

All of a sudden you can find the acts of this Congress and previous acts can be waived because one mineral somewhere was found to be in 90 percent of excess of domestic consumption.

Mr. VENTO. If the gentleman will yield further, this act covers certain military withdrawals. There has been an active problem between mining and the military reservations, and this amendment would provide for the mining of materials in military reservations and withdrawn areas in this act, and it would give the authority to the Secretary of the Interior to make that decision, not the President, not in consultation with the Department of Defense. It would be the Secretary of Interior in charge of those military reservations.

Mr. MILLER of California. I thank the gentleman for his point.

I hope our colleagues will reject this amendment. It is very, very bad policy and, again, it is an effort to kill this legislation, not to try to do, as we have done in the committee, as we have done on the floor, to accommodate those legitimate ongoing mining operations so they can continue. They are all taken care of in this legislation.

This is way beyond that. The agenda here is to kill this legislation, to kill

the designation of these parks, and we should reject this amendment.

Mr. RAHALL. Mr. Chairman, I rise in opposition to this amendment.

This amendment represents a thinly disguised effort to undermine the wilderness and park designations of this legislation.

Let me remind my colleagues that we saw a similar type of amendment last November during debate on legislation to reform the mining law of 1872.

At the time, an amendment was offered to waive provisions of the bill if the Defense Department determined there is a national security necessity to ensure a sufficient supply of strategic and critical minerals.

That amendment, rightly so, was defeated.

Subsequent to that vote, it was revealed by the Cleveland Plain Dealer that the amendment could have benefited a Cleveland-based mining company that purportedly is seeking to obtain title to Federal lands—in the form of mining claim patents—containing beryllium ore worth up to $15 billion * * * for a mere $26,487.

And what does the Pentagon have to say? They want to sell 24,221 tons of beryllium materials they already have stockpiled.

Yet, today, this same type of amendment has been reconfigured to the pending legislation.

In this case, however, the Defense Department does not even get to make a national security call on whether or not the minerals are needed.

Rather, it is the Bureau of Mines.

The Defense Department could be sitting on tons of a given mineral, and may be trying to sell those minerals, yet if the Bureau of Mines says that if we are importing a certain percentage of that mineral, the wilderness and park designations contained in this bill could be waived.

Let us not forget that we have in this country a strategic and critical materials stockpile to address the national security needs of the Nation as it relates to mineral dependency.

And so I urge the defeat of this amendment. It is completely without justification.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title VII?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. LEWIS of California:

Strike all after the enacting clause and insert the following: That this Act may be cited as the "California Desert and Employment Preservation Act of 1994".

SEC. 2. The Congress finds that—

(a) many areas of undeveloped public land in California and one parcel in Washoe County, Nevada, administered by the Bureau of Land Management have outstanding natural characteristics that give them high value as wilderness and that can, if properly managed, serve as an enduring resource of wilderness for the benefit of the American people;

(b) it is in the national interest that these areas be promptly designated as components of the National Wilderness Preservation System in order to preserve and maintain them as an enduring resource of wilderness to be managed to promote and perpetuate their wilderness character and their specific multiple values for natural systems biodiversity, watershed preservation, wildlife habitat protection, scenic and historic preservation, scientific research and education use, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of present and future generations of the American people; and

(c) certain areas of public lands located in Inyo and Riverside Counties, California are appropriate for transfer from the Bureau of Land Management to the National Park Service as additions to the Death Valley and Joshua Tree National Monuments.

SEC. 3. (a) As used in this Act, the term "public lands" shall have the same meaning as defined in section 103(e) of the Federal Land Policy and Management Act of 1976.

(b) As used in this Act the term "Secretary" means the Secretary of the Interior.

SEC. 4. (a) In furtherance of the purposes of the Wilderness Act, the following public lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:

(1) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately fifteen thousand eight hundred and ninety-seven acres, as generally depicted on a map entitled "Owens Peak Proposal", dated June 1988 (CA-1-026).

(2) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately ten thousand seven hundred and twenty-one acres, as generally depicted on a map entitled "Sacatar Meadows Proposal", dated June 1988 (CA-010-027).

(3) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately twenty-eight thousand two hundred and ninety-one acres, as generally depicted on a map entitled "Southern Inyo Proposal", dated June 1988 (CA-010-056).

(4) Certain public lands in the Bakersfield District of the Bureau of Land Management, California, which comprise approximately one thousand nine hundred and eighty-three acres, as generally depicted on a map entitled "Pinnacles Proposal", dated June 1988 (CA-040-303).

(5) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately seven thousand four hundred and forty-three acres, as generally depicted on a map entitled "Pit River Canyon Proposal", dated June 1988 (CA-020-103).

(6) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately seven thousand eight hundred and eighty-nine acres, as generally depicted on a map entitled "Tunnison Mountain Proposal", dated June 1988 (CA-020-311).

(7) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately thirty-seven thousand and fifty-five acres located in Lassen County, California, and five hundred and eighty-nine acres located in Washoe County, Nevada, as generally depicted on a map entitled "Skedaddle Proposal", dated June 1988 (CA-020-612). However, the designation of the Skedaddle Wilderness Area will in no way be construed or used to restrain current or future activities associated with the adjacent Sierra Army Depot.

(8) Certain public lands in the Susanville District of the Bureau of Land Management, California, which comprise approximately one thousand one hundred and sixty-one acres, as generally depicted on a map entitled "South Warner Proposal", dated June 1988 (CA-020-708).

(9) Certain public lands in the Ukiah District of the Bureau of Land Management, California, which comprise approximately four thousand one hundred and forty-three acres, as generally depicted on a map entitled "Chemise Mountain Proposal", dated June 1988 (CA-050-111).

(10) Certain public lands in the Ukiah District of the Bureau of Land Management, California, which comprise approximately twenty thousand two hundred and forty-eight acres, as generally depicted on a map entitled "King Range Proposal", dated June 1988 (CA-050-112).

(11) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately three hundred and forty-four acres, as generally depicted on a map entitled "Agua Tibia Proposal" dated June 1988 (CA-060-002).

(12) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-two thousand eight hundred and seventy-five acres, as generally depicted on a map entitled "Sawtooth Mountains Proposal", dated June 1988 (CA-060-024B).

(13) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifteen thousand four hundred and eight acres, as generally depicted on a map entitled "Carrizo George Proposal", dated June 1988 (CA-060-025A).

(14) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately four thousand three hundred and twenty-three acres, as generally depicted on a map entitled "Western Otay Mountain Proposal", dated June 1988 (CA-060-028).

(15) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately six thousand seven hundred and eighty-three acres, as generally depicted on a map entitled "Southern Otay Mountain Proposal", dated June 1988 (CA-060-029).

(16) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately three hundred ninety-two thousand six hundred forty-three acres, as generally depicted on a map entitled "Saline Valley Proposal", dated June 1988 (CDCA-117). Of this acreage approximately thirty thousand two hundred and ninety-five acres are added to the National Park System pursuant to section 4(a)(1) of this Act.

(17) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately two thousand one hundred and fifty-four acres, as generally depicted on a map entitled "Lower Saline Valley Proposal", dated June 1988 (CDCA-117A).

(18) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty five thousand seven hundred and ninety-two acres, as generally depicted on a map entitled "Little Sand Spring Proposal", dated June 1988 (CDCA-119A). All of this acreage is hereby added to the National Park System pursuant to section 4(a)(1) of this Act.

(19) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty eight thousand three hundred and ninety-two acres, as generally depicted on a map entitled "Inyo Mountains Proposal", dated June 1988 (CDCA-122).

(20) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty thousand and thirty acres, as generally depicted on a map entitled "Hunter Mountain Proposal", dated June 1988 (CDCA-123).

(21) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately ninety thousand six hundred and twenty-six acres, as generally depicted on a map entitled "Panamint Dunes Proposal", dated June 1988 (CDCA-127).

(22) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fourteen thousand and seventy-nine acres, as generally depicted on a map entitled "Wild Rose Canyon Proposal", dated June 1988 (CDCA-134).

(23) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty four thousand five hundred and thirty-six acres, as generally depicted on a map entitled "Slate Range Proposal", dated June 1988 (CDCA-142).

(24) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty three thousand four acres, as generally depicted on a map entitled "Funeral Mountains Proposal", dated June 1988 (CDCA-143). Of this acreage approximately fifteen thousand seven hundred and seventy-eight acres are added to the National Park System pursuant to section 4(a)(1) of this Act.

(25) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty two thousand eight hundred and eleven acres, as generally depicted on a map entitled "Greenwater Valley Proposal", dated June 1988 (CDCA-148).

(26) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seventy nine thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Nopah Range Proposal", dated June 1988 (CDCA-150).

(27) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred twenty one thousand nine hundred and twelve acres, as generally depicted on a map entitled "Owlshead Mountains Proposal", dated June 1988 (CDCA-156).

(28) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty two thousand one hundred and twenty-five acres, as generally depicted on a map entitled "Little Lake Canyon Proposal", dated June 1988 (CDCA-157).

(29) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty six thousand one hundred and thirteen acres, as generally depicted on a map entitled "Owens Peak Proposal", dated June 1988 (CDCA-158).

(30) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirteen thousand nine hundred and eighty-six acres, as generally depicted on a map entitled "El Paso Mountains Proposal", dated June 1988 (CDCA-164).

(31) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty nine thousand one hundred and thirteen acres, as generally depicted on a map entitled "Golden Valley Proposal", dated June 1988 (CDCA-170).

(32) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty thousand two hundred and ninety-one acres, as generally depicted on a map entitled "Newberry Mountains Proposal", dated June 1988 (CDCA-206).

(33) Certain public lands in the California Desert District of the Bureau of Land Management California, which comprise approximately seventeen thousand six hundred and thirty acres, as generally depicted on a map entitled "Rodman Mountains Proposal", dated June 1988 (CDCA-207);.

(34) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately eleven thousand six-eight acres, as generally depicted on a map entitled "Bighorn Mountains Proposal", dated June 1988 (CDCA-217);.

(35) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately six thousand four hundred and ten acres, as generally depicted on a map entitled "Morongo Proposal", dated June 1988 (CDCA-218).

(36) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately eleven thousand one hundred and sixty-nine acres, as generally depicted on a map entitled "Whitewater Proposal", dated June 1988 (CDCA-218A).

(37) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-four thousand three hundred and sixty-nine acres, as generally depicted on a map entitled "Kinston Range Proposal", dated June 1988 (CDCA-222).

(38) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-one thousand seven hundred and one acres, as generally depicted on a map entitled "Cinder Cones Proposal", dated June 1988 (CDCA-239).

(39) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-six thousand four hundred and five acres, as generally depicted on a map entitled "Kelso Dunes Proposal", dated June 1988 (CDCA-250).

(40) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-three thousand two hundred and thirty-two acres, as generally depicted on a map entitled "Bristol/Granite Mountains Proposal", dated June 1988 (CDCA-256).

(41) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-four thousand two hundred and thirty-eight acres, as generally depicted on a map entitled "South Providence Mountains Proposal", dated June 1988 (CDCA-262).

(42) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-nine thousand six hundred and eighty-one acres, as generally depicted on a map entitled "Providence Mountains Proposal", dated June 1988 (CDCA-263).

(43) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-three thousand five hundred and nineteen acres, as generally depicted on a map entitled "Castle Peaks Proposal", dated June 1988 (CDCA-266).

(44) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-four thousand eight hundred and fifty-four acres, as generally depicted on a map entitled "Fort Piute Proposal", dated June 1988 (CDCA-267).

(45) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred sixteen thousand four hundred and eighty acres, as generally depicted on a map entitled "Turtle Mountains Proposal", dated June 1988 (CDCA-307).

(46) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately sixty-one thousand eight hundred and fifty-three acres, as generally depicted on a map entitled "Chemehuevi Mountains Proposal", dated June 1988 (CDCA-310).

(47) Certain public lands in the Yuma, Arizona District of the Bureau of Land Management, located in California, which comprise approximately nine hundred and thirty-eight acres, as generally depicted on a map entitled "Chemehuevi/Needles Addition Proposal", dated June 1988 (AZ-050-004).

(48) Certain public lands in the California Desert District of the Bureau of Land Management, located in California, which comprise approximately seventy two thousand sixty-three acres, as generally depicted on a map entitled "Whipple Mountains Proposal", dated June 1988 (CDCA-312).

(49) Certain public lands in the Yuma, Arizona, District of the Bureau of Land Management, located in California, which comprise approximately one thousand three hundred and forty-three acres, as generally depicted on a map entitled "Whipple Mountains Addition Proposal", dated June 1988 (AZ-050-010).

(50) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seventy-five thousand six hundred and sixty-five acres, as generally depicted on a map entitled "Palen/McCoy Proposal", dated June 1988 (CDCA-325).

(51) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-two thousand seven hundred and eighty-two acres, as generally depicted on a map entitled "Coxcomb Mountains Proposal", dated June 1988 (CDCA-328).

(52) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-one thousand four hundred and thirty-four acres, as generally depicted

on a map entitled "Eagle Mountains Proposal", dated June 1988 (CDCA-334).

(53) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately forty-seven thousand one hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Mountains Proposal", dated June 1988 (CDCA-341).

(54) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately seven thousand one hundred and ninety-nine acres, as generally depicted on a map entitled "Mecca Hills Proposal", dated June 1988 (CDCA-343).

(55) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-eight thousand two hundred and seven acres, as generally depicted on a map entitled "Orocopia Mountains Proposal", dated June 1988 (CDCA-344).

(56) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifty-seven thousand thirty acres, as generally depicted on a map entitled "Chuckwalla Mountains Proposal", dated June 1988 (CDCA)-348).

(57) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately thirty-one thousand four hundred and ninety-three acres, including eight hundred and ninety-one acres adjacent to the Wilderness Study Area, as generally depicted on a map entitled "Julian Wash (formerly Indian Pass) Proposal", dated June 1988 (CDCA-355).

(58) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately five thousand four hundred and fifty-five acres, as generally depicted on a map entitled "Gavilan (formerly Picacho Peak) Proposal", dated June 1988 (CDCA-355A).

(59) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-five thousand seven hundred and sixteen acres, as generally depicted on a map entitled "North Algodones Dunes Proposal", dated June 1988 (CDCA-360).

(60) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately twenty-six thousand one hundred and twenty-eight acres, as generally depicted on a map entitled "Jacumba Proposal", dated June 1988 (CDCA-368).

(61) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately fifteen thousand three hundred and fifty-nine acres, as generally depicted on a map entitled "Fish Creek Mountains Proposal", dated June 1988 (CDCA-372).

(62) Certain public lands in the Carson City, Nevada, District of the Bureau of Land Management, located in California, which comprise approximately five hundred and fifty acres, as generally depicted on a map entitled "Carson Iceberg Proposal", dated June 1988 (NV-030-532).

(b) The acreages cited in this Act are approximate. In the event of discrepancies between acreages cited in this Act and the acreages depicted on the referenced maps, the maps shall control.

SEC. 5. As soon as practicable after enactment of this Act, a map and a legal description for each designated wilderness area and area added to the National Park System shall be filed by the Secretary with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical, and cartographic errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Offices of the Director and California State Director, Bureau of Land Management, Department of the Interior.

SEC. 6. (a) Subject to valid existing rights, each wilderness area designated by section 4(a) of this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) and pursuant to the rules and regulations promulgated in implementation thereof.

(b) The following lands are hereby added to the National Park System:

(1) Certain public lands in the California Desert District of the Bureau of Land Management, California, which comprise approximately one hundred and three thousand eight hundred acres, as described in the Bureau of Land Management's Monument Environmental Impact Statement, 1989, and generally depicted on maps entitled Proposed Additions to National Park System Death Valley National Monument, 1989, are hereby incorporated in, and shall be deemed to be a part of Death Valley National Monument.

(2) Certain public lands which comprise approximately four thousand eight hundred acres, as described in the Bureau of Land Management's Monument Environmental Impact Statement, 1989, and generally depicted on a map entitled: Proposed Addition to National Park System Joshua Tree National Monument, 1989, are hereby incorporated in, and shall be deemed to be a part of Joshua Tree National Monument.

(c) Upon enactment of this title, the lands described in subsection (a) of this section, are, by operation of law and without consideration, transferred to the administrative jurisdiction of the National Park Service. The boundaries of the California Desert District; Death Valley National Monument and Joshua Tree National Monument are adjusted accordingly. The areas added to the National Park System by this section shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

(d) The Secretary shall, within a reasonable period of time, prepare plans to manage each designated wilderness area.

(e) For purposes of this Act, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of this Act.

SEC. 7. Any lands within the boundaries of a wilderness area established by this Act that are acquired by the United States after the date of enactment of this Act shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.

SEC. 8. Except as otherwise provided in this Act, and subject to valid existing rights, all Federal lands established as wilderness by this Act and all lands within wilderness areas designated by this Act which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public lands laws, including the mining, mineral leasing, geothermal leasing, and material sales laws.

SEC. 9. (a) Nothing in this Act designating lands as wilderness shall constitute or be construed to constitute either an express or implied reservation of water or water rights for wilderness purposes. The United States may acquire such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness pursuant to the substantive and procedural requirements of the laws of the States of California and Nevada as appropriate.

(b) Nothing in this Act shall be construed to limit the exercise of water rights as provided under California and Nevada State laws as appropriate.

SEC. 10. (a) Military aircraft testing and training activities as well as demilitarization activities in California are an important part of the national defense system of the United States, and are essential in order to secure for the American people of this and future generations an enduring and viable national defense system.

(b) Nothing in this Act shall be construed to restrict, forbid, or interfere with demilitarization activities and the overflight of military aircraft over areas designated in this Act as the components of the National Wilderness Preservation System.

(c) The designation by this Act of wilderness areas in the State of California shall not restrict military overflights of wilderness areas for the purposes of military testing and training.

(d) The fact that military overflights can be seen or heard shall not preclude such activities over the wilderness areas designated by this Act.

(e) Nothing in this Act shall be construed to restrict, forbid, or interfere with demilitarization activities at Sierra Army Depot which is located adjacent to areas designated in this Act as components of the National Wilderness Preservation System and the fact that such demilitarization activities can be detected from within the adjacent wilderness areas shall not preclude such activities.

SEC. 11. In recognition of the past use of portions of the wilderness areas designated by this Act by Indian people for traditional cultural and religious purposes, the Secretary shall assure access to the wilderness areas by Indian people for traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an appropriate Indian tribe or Indian religious community, may from time to time temporarily close to general public use one or more specific portions of wilderness areas in order to protect the privacy of religious cultural activities in such areas by Indian people. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes.

SEC. 12. The Congress finds and directs that all public lands in the State of California administered by the Bureau of Land Management have been adequately studied for wilderness designation pursuant to sections 202 and 603 of the Federal Land Policy and Management Act of 1976 and those lands not designated as wilderness by this Act are no longer subject to the requirements contained in section 603 of the Federal Land Policy and Management Act of 1976 for management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness and shall be managed for their other resource values in accordance with land management plans developed pursuant to the Federal Land Policy

and Management Act; or as part of the National Park System pursuant to section 6 of this Act.

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I will not at this point take all of my time.

But this substitute presented to the House is by way of having some further discussion of the process that we have been going through here relative to the way this committee has chosen to bring this bill to the floor.

First and foremost, I think my colleagues are aware of the fact that this legislation has a very long history in the House. This substitute is a reflection of much of that history. It was almost a decade ago that legislation was passed by this House that suggested that the California desert problems in terms of wilderness potential and park designation involved some very, very complex questions, and they were questions that should not be taken lightly by a committee or by action of the House. And so the House went out of its way, including this committee under different leadership, went out of its way to establish a commission that was given the charge to evaluate the problems of the California desert and to bring back recommendations to the House.

That commission, made up of environmentalists, of grazers, recreation users, all citizens who care about the desert, understand it, and have an interest in it, that commission, over the 6 years of its meetings, took some 40,000 individual inputs, spent $10 million of the taxpayers' money, and at the very end of that process, a very small group within the environmental community were not happy with the way the bill went together, and so they created their own image of the West introduced by way of legislation, and eventually was picked up by Senator FEINSTEIN.

This bill brought by the committee to the floor is somewhat of a clumsy reflection of those years of efforts and the aftermath of that effort. Indeed, it is important for the Members to know the House has acted in the past and, indeed, the House has during this process over the last several weeks acted in a very positive fashion as well.

The committee brought to the floor legislation that was a reflection of those extremes of which I have spoken.

I must say that the House has been more than generous in recognizing that the committee had been arbitrary in terms of their dealings with the Members, the five Members of the House who were elected to represent the desert. In that process, the House decided to listen to those Members as we went forward with the debate.

I could not be more pleased with both the dialog and discussion that has swirled around a number of the amendments that we have had, and in that discussion, it has caused the House to rather significantly improve the bill by changing the committee action. It is because of that that some of my colleagues are going to discuss further the past action of the House and the commission report which is my substitute.

Mr. HANSEN. Mr. Chairman, I rise in strong support of the Lewis substitute which is also sponsored by all Members who represent the California desert.

The Lewis substitute would essentially implement the recommendations of the BLM for the California desert, or designate approximately 2.3 million acres of wilderness and parks.

The professional land managers at the BLM spent 15 years and $8 million and considered over 4,000 public comments in developing the recommendations which are known as the California desert plan.

This plan has been endorsed by former Interior Secretaries Cecil Andrus, a Democrat, and James Watt, a Republican, and is clearly a compromise by all affected parties.

H.R. 518 is clearly a thinly veiled attempt to replace the California desert plan with the wish list of the national preservation groups. H.R. 518 triples the acreage in wilderness and parks that was recommended by BLM.

Mr. Chairman, I think the biggest waste of money we see in this Interior Committee or Natural Resources, we now call it, is in 1964 we passed the wilderness bill, and the wilderness bill and the FLPMA bill said the Forest Service, Park Service, the BLM would take it upon themselves to study these various areas. Then they would make a recommendation to Congress.

Well, if we have ever wasted money, that is the biggest waste we have ever seen. In my home State, they spent $8 million. I have been 14 years in Congress. I have been part of every wilderness bill that has passed.

I have yet to see only one, which I was the sponsor of, that stayed even close to the recommendation of the entity, of the agency.

So I really think what we ought to do, as we pass this bill, is the next bill we ought to agree on, with my friends on the other side, let us take national parks, let us take BLM, let us take Forest Service out of it. Why just throw this money down the drain? Because nobody pays any attention to it.

Here is a classic example of the gentleman from California. Here we spent all of that money and we just ignore it. We trample it as if it is not even there.

What an utter waste of money that the American taxpayers should see. True, it is the prerogative of Congress. But why do we go through this exercise, when we listen to them in a hearing for 15 minutes, we shove them out the door? Why do we even have these people?

It is to me one of the biggest wastes I have ever seen in my years in Congress.

To give you an example, in Utah the BLM exhaustive wilderness review mandated by the Federal Land Policy and Management Act, found 1.9 million acres of land suitable of wilderness as per the designation in the 1964 bill. The Utah delegation on a bipartisan basis has been trying to enact legislation, largely following these recommendations. Unfortunately, we have a freshman Member who comes in and put three times that amount who had never been west of the Mississippi River, if you can believe it, never seen the ground, but he thinks he ought to do it.

Moreover, preservation groups who felt the BLM should have identified more land suitable for wilderness persuaded their friends and administration to force the BLM to treat it as nonwilderness, which flies in the face of the recommendations that came out from Andrus to Mr. Lujan.

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In other words, they want to politically manipulate recommendations made by career civil servants who are professional land managers, BLM, and so forth. If I have learned anything from this bill, I think the first thing we should do is do away with waste of money, because we ignore it. It is a "make us feel good" thing. It is like the Brady bill, we all feel good even though it accomplishes nothing.

Mr. Chairman, I speak in strong support of the Lewis amendment, which is a good amendment and recognizes the will of the people and all of the career people who worked so diligently to come up with their particular piece of legislation.

Mr. HUFFINGTON. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from California.

Mr. HUFFINGTON. I thank the gentleman for yielding.

Mr. Chairman, I rise to briefly revisit an issue the House considered recently regarding the unique land exchange included in this bill, specifically those provisions that would have granted to the Catellus Development Corp. exclusively an extremely beneficial preference.

Mr. Chairman, it causes me great concern that this provision, such a patently unfair special interest, found its way into the bill in the first place. Over the past few months I have tried to gain an understanding of how this

legislative gift for one politically influential company came to be written into the bill. Unfortunately, my inquiries were never fully answered. Now we are on the verge of final passage.

I hope between now and the completion of the conference report we will finally learn how such a sweetheart deal was put into the bill. The American people have a right to see how backroom deals get made.

Mr. Chairman, I include additional information in the RECORD at this point.

The Desert Protection Act is perhaps one of the most important single pieces of wilderness legislation to come before the 103d Congress. This bill, proposed in the House by Congressman RICHARD LEHMAN and in the Senate by Senator DIANNE FEINSTEIN, also carries national implications. For, as presently drafted, that bill will determine how the Federal Government acquires land for public parks and whether the U.S. Department of the Interior gives fair treatment to landowners large and small.

With all this at stake, last spring I instructed my staff to begin a thorough review of the bill: who stands to benefit the most, and who stands to lose.

On the surface, treated superficially, the bill seems a straightforward proposition: transfer millions of acres of land in California into protection of the National Park System.

But that is on the surface. And, here the surface is deceptive.

Beneath the surface, a different story emerges.

In fact, on close examination, H.R. 518 and its companion bill in the Senate, Senator FEINSTEIN's S. 21, appear to be not dissimilar from a lot of legislation that has come out of Washington lately: down in the bowels of legalese formulations, can be found a pot of gold for a special interest, a very big—but little visible—payoff for a very large private company with excellent political connections.

This bill provides for a major bailout, at taxpayer's expense, of a corporation owned in significant part by people who neither live nor work in California and indeed by many who neither live nor work in the United States.

What first caught my eye was a section of the proposed legislation that took an extraordinary step: it directed the Secretary of Interior to treat a private corporation, the Catellus Development Corp. of San Francisco, CA, in a very preferential way.

Now we all know that special language for specific industries is put into State and Federal legislation from time to time, but very few actually put the name of the corporate beneficiary right in the bill. Yet this is exactly what occurred here, albeit in small print.

As I set about to learn more about this Catellus Corp., my study turned up some very, very disturbing questions. These questions are not only disturbing for their implications to the American taxpayer but are also disturbing for the nearly 1 million members of the California Public Employees Retirement System.

Catellus, you might say, is the child of big railroads. Back in the 1980's the Santa Fe Pacific Corp. needed money. It had just distributed one of the largest stock dividends in its history, $30 per share, and Santa Fe was heavily in debt, looking hard for money to pay for this largesse.

The biggest single stockholder in Santa Fe was Olympia & York Corp., a giant Canadian real estate firm that has built several projects in the United States including a $1.5 billion hotel and office complex in downtown San Francisco, a bid they won not long after DIANNE FEINSTEIN became mayor of that city.

Olympia & York received $30 for each of its shares in that 1988 dividend.

The head of Olympia & York, a Canadian named Paul Reichmann, suggested to the head of Santa Fe that they take some of the railroad's vacant land and form a development company. Santa Fe had millions of acres, a good deal of it in my State or California.

What was interesting about this land, and what is so important to understand in voting on this bill, is where Santa Fe got these acres. It didn't pay for them. This land was free. This land was a gift of the U.S. Government.

The land Santa Fe placed in the Catellus Development Corp., some 1 million acres, was part of the land the U.S. Government gave the railroads in the 19th century. Santa Fe has had the advantageous use of this free Government land for nearly a century. Some of it the railroad used for rights of way, on other acres Santa Fe has developed rich gold and mineral deposits.

Some of the land Santa Fe placed in Catellus is very valuable, a sliver of it on the coast, old rail yards and track areas in cities like San Francisco and San Diego. But, the bulk of the acreage is remote, in the desert or in the mountains and the land value of this remote portion is in question—to say the least. Some land experts think the land is close to worthless.

So Catellus was born. It had a sliver of valuable land and a lot of desert. In 1989, the Santa Fe-Olympia & York managers of Catellus set out to raise money. Tye found two sources, and one was the members of the California Public Employees Retirement System, often called CALPERS; the other an insurance company.

CALPERS is one of the largest pension funds in the country, a major investor in some of the best known publicly traded corporations in the United States, with nearly a million shareholders and over $80 billion in investments.

But at the time, Catellus wasn't publicly traded and CALPERS's initial investment was what they call a private placement. It bought 19.9 percent of Catellus at nearly $38 a share, an investment of $398 million.

From day one this was an unusual investment for CALPERS. It was, to begin with, the first speculative real estate company that CALPERS had invested in and one of the largest single investments it has ever made in anything but well known, Fortune 500, publicly traded firms.

In addition to the investment of CALPERS, Catellus borrowed another $71 million from the pension fund and about $400 million from the Prudential Insurance Co., so even before it went public it had raised nearly $1 billion in funds.

Now this is where the story becomes very interesting for anybody voting on this bill, paying taxes in the United States, or relying on CALPERS for his or her retirement.

When I looked at documents Catellus had filed with the Securities and Exchange Commission over the years, it looked to me as if that money, approximately a billion dollars, didn't stay very long at Catellus. It was "upstreamed" to Santa Fe. Upstreamed is Wall Street talk for sending it to the home office. In this case, Chicago and Toronto. It went to help Santa Fe unload the debt it had incurred in paying the dividend, and it went to pay the dividend that Olympia & York, Santa Fe's biggest single stockholder had received 2 years earlier.

In a sense, Santa Fe-Olympia & York had figured out a way to sell the free land they got from the Government. They sold it for approximately $1 billion to Catellus.

The members of CALPERS may have thought they were in the Catellus Development Co. to develop real estate in California, but it looked as if the money that they had invested had soon gone elsewhere.

Next, Santa Fe spun off Catellus. This is more Wall Street jargon. It gave every single stockholder in Santa Fe one free share of Catellus stock for every four shares of Santa Fe they owned.

This meant that Olympia & York got 14 percent of this new company, Catellus, as well as the $30 dividend it enjoyed at Santa Fe.

Then, in the fall of 1990, Catellus stock began to trade publicly on the New York Stock Exchange. It was at this moment that nearly 1 million California public employees relying on CALPERS got a rude shock, that is, if they were paying attention. The Catellus shares began to trade not at the $38 a share, the price paid by CALPERS, but at $11 a share, less than one third the price.

Other investors were more wary than the people who run CALPERS. Catellus stock which traded briefly at $11 a share has hardly ever traded at more than $8 a share and yet CALPERS has had $400 million invested in this company for nearly 5 years.

How was such an investment made? A man named David Elder, a member of the California State Assembly, tried to find out back in December 1990. He held a hearing on this deal. I've read the transcript of that hearing. It shows he couldn't get a straight answer.

But he was told a couple of interesting things: a major real estate management firm from Chicago named JMB Realty got $7.96 million from CALPERS to put CALPERS into this not-so-good investment and JMB gets nearly $2.5 million a year to watch the investment dwindle away. Two officials for JMB received $15,000 apiece to serve on the board and $1,000 a board meeting to attend.

I've tried to get answers with no more success than Dave Elder. I sent a letter to Catellus raising questions about my concerns. I've entered a copy in the RECORD. I've also entered the answer of James G. O'Gara, a senior vice president.

But I've taken another step.

The CALPERS decision to invest in Catellus smacks of something darker than poor judgment. It suggests that whoever made these decisions at CALPERS in 1988 and 1989 needs to explain just how and why they departed from cautious investment policy to enter this deal.

I have sent a formal request to the chairman of the board of CALPERS asking for a full investigation. That request is attached for the RECORD. If CALPERS wants the U.S. taxpayer to bail Catellus out by making an expensive and extraordinary land swap, I want an explanation of why CALPERS can't recover its losses from the Santa Fe. From Olympia & York. Or from JMB.

Moreover, I want to know why Senator DIANNE FEINSTEIN has seen fit to sponsor this bill as her maiden piece of legislation.

I believe the people of California and the people of the United States have a right to know what has happened here.

Catellus has not done well in these 5 years. Its major projects—like Mission Bay in San Francisco and Union Station in Los Angeles—are stalled.

Earlier this year, Catellus's board fired its chairman, Andrew Schwartz. Schwartz, it was said in the press, had been handpicked for this job from a firm in San Diego. It appears Olympia & York then brought him to Canada to head another big project. I think Mr. Schwartz has some explaining to do before the U.S. taxpayers bail out Catellus.

By now you can see why Catellus desperately, desperately needs money.

This is where Congress and the U.S. taxpayer come in.

Among the acres passed down to Catellus, the railroad's baby, are 355,000 acres that would be covered by this bill.

In section 609 of this bill as there was in section 610 of FEINSTEIN's S. 21, there is a very unusual, very extraordinary, very nice little deal to help rescue Catellus:

It would allow Catellus to swap any piece of its land for acres the Secretary of Interior holds. Catellus doesn't have to find something in California, it can choose land anywhere in 50 States.

Ordinary citizens have to wait in line until the Department of Interior has enough money to buy them out and the Department is $9 billion behind. But, through this swap Catellus can go to the head of the line.

And, there's more.

If Catellus doesn't like what it's offered, the Secretary of Interior will set up a bank and give Catellus credit. Catellus can use this credit to buy any kind of surplus or excess real estate from the U.S. Government being sold in California.

This is a license to go hunting for the sweetest investments in the country.

There's still more.

If Catellus can't develop the surplus property or doesn't want to, it can sell these credits to anyone. It could sell its right to Olympia & York or anyone else, so that they could bid on U.S. Government property using Catellus' credit.

What's this going to cost the American taxpayer? The estimates are all over the place, but I suggest that Catellus' modest guess at hearings that it could run as high as $189 million is low. I suspect that they think the amendment is worth millions more.

My colleagues in the Senate did not buy Senator FEINSTEIN's Catellus amendment. They knocked it out.

But Congressmen LEHMAN and GEORGE MILLER, the Democrats running things here, managed to keep it. All we could do was try to at least make the playing field even and give the small rancher, small landowner the same advantage.

Throughout my research I kept wondering how such a preferential piece of legislation ended up in these two bills. Was Senator FEINSTEIN not aware of the strange machinations at Catellus? Was Congressman RICHARD LEHMAN not aware? Why didn't they try to find out just who stood to benefit at Catellus before they offered this bailout?

I confess I don't know the answer. But, I know we and the American taxpayer are entitled to an answer.

In the course of this research, a very disturbing piece of evidence came into my hands. This is a letter from a vice president at JMB Institutional Realty Advisors, Inc., named Patrick J. Meara, to Dewitt Bowman, then chief investment officer at CALPERS.

I am going to put the entire letter into the RECORD, but let me read you some portions:

In November, 1991, the House passed an amended version of the Act. Catellus was the only private landowner "taken care of" in the bill. Management has worked with Congressman LEVINE in developing the amendment. . . .

Catellus planned on selling its desert land over at least the next ten years. Desert sales were $5 million in the first three quarters of 1991, representing 26 separate transactions. With an average transaction size of $200,000, Catellus would have to close more than 200 separate transactions to sell the same land included under one transaction through the Act.

The Act creates a market for land which is very difficult to sell in meaningful quantities. The area affected represents nearly half of Catellus' desert land.

Catellus can realize full value in a large transaction, which often might carry "bulk discount."

Catellus gets full benefit of land value appreciation before 1996.

Catellus management would certainly be interested in any help (CAL)PERS might be able to offer in the Senate vote next month.

As it happened there was no Senate vote. But, 2 years later, Senator FEINSTEIN made the introduction of the Desert Protection Act her first order of business as a Senator. Representative LEHMAN introduced it at the same time.

Interestingly, the language they proposed was almost the same language Mr. Meara referred to when he said Catellus was "taken care of" in the 1991 bill.

So, I ask again on behalf of the American taxpayer—was this legislation intended to "take care of" Catellus? Did those sponsoring legislation investigate where the $400 million of California public employees money had gone before they took care of Catellus? Did the officials of CALPERS help JMB lobby this bill?

JMB INSTITUTIONAL
REALTY ADVISORS, INC.,
*San Francisco, CA, December 5, 1991.*

Mr. DEWITT BOWMAN
*Chief Investment Officer CalPERS, 400 "P" Street, Sacramento, CA.*

Dear DEWITT: Bill Ramseyer asked me to update you on recent developments concerning the California Desert Protection Act of 1991 (the "Act"), formerly referred to as the Cranston Act. This letter will brief you on the Act's history, the amended bill passed by the House in November, and the Act's impact on Catellus.

History of the Act.

Senator Cranston originally introduced the Act more than five years ago, and until this year, the Act never made it past the Subcommittee level. In previous forms, the Act would have enabled the government to effectively take 200-300,000 acres of Catellus land for use as a wilderness area with no means of compensating Catellus. Santa Fe Mineral Company managed lobbying efforts to defeat the bill prior to 1990 on behalf of the parent company.

In 1990, Catellus management began handling the lobbying efforts. Catellus saw opportunity in the Act, in that this created a means of creating liquidity from its desert holdings, which are scheduled for disposition. The challenge was in structuring a means of compensation from the government in a budget-pressured environment.

The 1991 House Bill.

In November 1991, the House passed an amended version of the Act. Catellus was the only private landowner "taken care of" in the bill. Management has worked with Congressman Levine in developing the amendment. The amount of Catellus land included in the wilderness area was increased to 400,000 acres out of the company's 875,000 acres owned in the desert. The bill provided for compensation to Catellus in a somewhat complicated manner, as follows:

Through 1995, Catellus could in effect exchange its land for developable land under the control of the U.S. Department of Interior. Certain conditions make it unlikely any land will be exchanged in this manner before 1996. In 1996, a current law will expire which requires a "pay as you go" concept for government expenditures.

Beginning in 1996, the government will establish a "credit account" for Catellus in an amount equal to Catellus' land's then-current value, as determined through an appraisal process. Catellus would then have the right to use its credit account to bid for government property, using the account just as cash. Catellus could sell its account to an outside party if desired.

The amended bill will be introduced in the Senate in January 1992. I have enclosed a copy of the Congressional Record, which includes a text of the bill before amendments and a copy of the Catellus Amendment, which did pass.

Impact on Catellus—

In analyzing the impact of the Act on Catellus, it is helpful to keep the following points in mind.

As you may recall, Catellus' strategic plan envisions the sale of its excess (i.e., agricultural, surplus, mountain and desert) land, which represents 17% of the Company's real estate value. Sales proceeds will be invested into new development opportunities, thus creating appreciation in Catellus' value.

The pure land value today of Catellus holdings affected by the Act is $40-50 million (less than 2% of the Company's real estate value). By 1996, Catellus believes the land plus underlying mineral value could be worth $100 to $200 million.

Catellus planned on selling its desert land over at least the next ten years. Desert sales were $5 million in the first three quarters of 1991, representing 26 separate transactions. With an average transaction size of $200,000. Catellus would have to close more than 200 separate transactions to sell the same land included under one transaction through the Act.

JMB believes the amended bill passed by the House is extremely positive for Catellus based on the following:

The Act creates a market for land which is very difficult to sell in meaningful quantities. The area affected represents nearly half of Catellus' desert land.

Catellus can realize full value in a large transaction, which often might carry a "bulk discount".

A realistic means of creating liquidity in the investment has been established by the Act, either through the acquisition of developable land or by selling the credit account.

Catellus gets the full benefit of land value appreciation before 1996.

Catellus management would certainly be interested in any help PERS might be able to offer in the Senate vote next month. Please let me know of any thoughts you may have in that regard. Also, feel free to call Darla Flanagan or me at (415) 772-3500 if you need anything further.

Sincerely,

PATRICK J. MEARA,
*Vice President.*

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 22, 1994.*

Mr. JAMES G. O'GARA,
*Senior Vice President, Catellus Development Corporation, San Francisco, CA.*

DEAR MR. O'GARA: I appreciate the opportunity of being able to meet with you on the issue of the Desert Protection Act and the specific language regarding Catellus Development Corporation.

There are several questions that I would like to have answered by noon next Monday, June 27, as we will probably be voting on the bill next week. If your office could provide the requested information by then, I would be most appreciative.

FINANCIAL STATUS OF CATELLUS

How many acres of land under the Desert Protection Act are currently owned by Catellus?

How many acres are being developed, able to be developed, or cannot be developed?

What is the value of the land, using the same breakdown as question number two?

How much revenue was generated by your desert holdings in 1993?

Are there any appraisals of the land held by Catellus? If so please provide my office with copies of them. Who conducted them and per whose authority?

Were there appraisals made when Santa Fe decided to spin off its real estate into a separate company?

Please provide my office with the appraisals conducted by JMB in evaluating Catellus as an investment opportunity for CALPERS.

Do you have appraisals conducted by others which were used in evaluating Catellus as an investment opportunity for CALPERS?

Do you have a report of the analysis conducted by the Stephan Roulac Consulting Group? If so, please provide my office with a copy of it.

What other information was provided to CALPERS by Catellus prior to the fund making its investment in Catellus? Please provide my office with any relevant material.

Does Catellus retain Roulac in any function?

Did Catellus retain Roulac before it handled the assessment for CALPERS and have you retained it since?

HOW DID CALPERS COME TO INVEST IN CATELLUS?

Who first suggested Catellus as an investment opportunity for CALPERS?

Who was involved from Catellus/Santa Fe?

Who represented CALPERS?

Who represented JMB?

Who represented Roulac?

Did officials of Olympia & York take part in the CALPERS investment process? If so, in what capacity?

Did officials from Itel become involved? If so, who and when?

Were there any other entities, consultants, or individuals involved with CALPERS' decision to invest in Catellus? If so, please supply their names and roles.

Did Santa Fe have any business dealings with JMB prior to its being chosen as managing partner of the CALPERS investment? Does JMB receive any fees, payments, rents, or other financial remuneration from Catellus?

DESERT PROTECTION ACT

Why did Santa Fe oppose the California Desert Protection Act when it was first introduced in 1986?

Why did Santa Fe continue to oppose the bill until 1990?

What caused Catellus to support the bill?

CATELLUS AND OLYMPIA & YORK

Does Catellus share any projects with Olympia & York? Are you planning any?

As the second largest shareholder, does Olympia & York become involved in the management of Catellus?

Why did Vernon Schwartz choose to join Olympia & York when he stepped down from Catellus? Was his selection as chief executive officer in 1988 directed or suggested by Olympia & York?

FUNDS PAID TO SANTA FE

Who decided to spin off Catellus from Santa Fe?

Who decided how much money Catellus had to pay Santa Fe in 1988 and 1989? What was the process?

How much money did Catellus pay to Santa Fe in 1988 and 1989?

How much has been paid to Santa Fe since 1989?

What was the tax sharing arrangement Catellus had with Santa Fe?

Why did Catellus pay approximately $7.6 million and $18.9 million to Santa Fe in 1991 and 1990, respectively, as part of that tax sharing agreement?

Is Catellus still encumbered by debt assumed in 1988 and 1989 and used to pay Santa Fe?

GENERAL QUESTIONS

What agents, representatives, etc. did Catellus retain to draft and research language pertaining to Catellus in the Desert Protection Act? Who directed the lobbying effort on behalf of Catellus?

Please provide any copies of drafts of Catellus language in the bill and the correspondence by Catellus with any member of Congress, staff aide, or California State officials and legislators pertaining to the Catellus land swap.

SPECIFIC QUESTIONS

Are any major shareholders of Catellus lobbying for the bill? If so, who and through what mechanism?

Has Catellus asked CALPERS to use its political influence in California or in Washington, D.C. to gain support for the bill?

Has Catellus coordinated its political contributions with Olympia & York, JMB, or any other investor in Catellus?

How much money did Catellus direct to the campaigns of former Representative Mel Levine, Senator Dianne Feinstein, Representative Richard Lehman, and Representative George Miller?

Who from Catellus worked with Senator Alan Cranston's office when the bill was first drafted? With Levine? Lehman? Feinstein?

The language in Senator Feinstein's bill is almost word for word like an amendment to the 1991 bill proposed by Representative Levine. Did Catellus prepare this langauge?

Your company retains Assemblyman Willie Brown, the Speaker of the California State Assembly. What work has he performed for Catellus and its predecessors during the last 13 years? How much did Catellus pay him in the years the Desert Protection Act has been before the U.S. Congress (1986 through 1994)? Did he lobby members of Congress on behalf of the Desert Protection Act? If so, please provide the dates, times, and names.

Is anyone else, including outside parties, working with Senator Feinstein's or Representative Lehman's office on the bill on Catellus' behalf?

Who are your paid lobbyists on Capitol Hill and what was their yearly remuneration for the years 1988, 1989, 1990, 1991, 1992, 1993, and 1994?

Thank you for your assistance.

Sincerely,

MICHAEL HUFFINGTON,
*Member of Congress.*

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CATELLUS,
*June 27, 1994.*

By messenger.

Hon. MICHAEL HUFFINGTON,
*U.S. House of Representatives, Washington, DC.*

DEAR CONGRESSMAN HUFFINGTON: It was a pleasure to meet with you last Tuesday to discuss Catellus' support for Section 609 of the California Desert Protection bill, H.R. 518. This provision makes it possible to manage and protect nearly 10% of the bill's wilderness and park areas, while protecting the economic interests of the owner of the areas' private lands and of its major shareholder, the California Public Employees Retirement System ("CalPERS"). I am optimistic that after you have had a chance to study the provision, you will conclude that it deserves your support. Your vote for the provision would not only be a vote for private property rights but also a vote for California's 970,000 public employees.

The letter which you gave me at the conclusion of our meeting contains a number of questions relevant to Catellus' land ownership in the California Desert, the impact of H.R. 518 and earlier Desert protection proposals on its ownership and the position taken by Catellus and its former parent company, Santa Fe Pacific Corporation, with respect to these proposals. I am pleased to provide you the following information in response to these questions. You will find attached to this letter statements given by Santa Fe Pacific Corporation and by Catellus before Congressional committees on H.R. 518 and earlier Desert protection proposals in 1987, 1989, 1991, 1992 and 1993.

CATELLUS LAND OWNERSHIP IN THE CALIFORNIA DESERT

Catellus owns about 850,000 acres of land in the California Desert. These lands were originally granted by the United States to the Southern Pacific Railroad in the latter half of the nineteenth century as an incentive to help finance the construction of a transcontinental railroad. More recently, the lands were held by Santa Fe Pacific Realty Corporation, which had been a subsidiary of Santa Fe Pacific Corporation. In 1989, Santa Fe Pacific Corporation sold nearly 20% of its interest in Santa Fe Pacific Realty to CalPERS and in 1990 spun the remaining shares of the subsidiary off to its stockholders. The company changed its name to

"Catellus Development Corporation" and it is now an independent, publicly-held corporation traded on the New York Stock Exchange. CalPERS has since increased its stock ownership in Catellus to 41%.

Catellus' California Desert lands have historically supported a wide variety of development activities providing income to Catellus. These include:

Precious metal exploration and development,

Oil and gas exploration and development,

Geothermal development,

Sand and gravel extraction for the construction of homes, highways and office buildings, etc.,

Solar power generation,

Placement of rights-of-way for fiber optic cables, pipelines, power lines, telephone lines and other utilities,

Placement of communication sites for television and transmitters with access roads in remote locations surrounded by vacant lands free of electro-magnetic fields,

Secret weapons testing,

Grazing and forage for cattle and sheep,

Agriculture, such as the growing of table grapes and

Providing areas for off-road, recreational vehicles.

THE EFFECT OF CALIFORNIA DESERT PROTECTION PROPOSALS ON CATELLUS LANDHOLDINGS

The California Desert protection proposals pending in this Congress, S. 21 and H.R. 518, place about 330,000 acres of Catellus' Desert lands within the boundaries of the bill's wilderness and national park units. This amounts to more than 65% of all of the private lands encompassed by the bill's wilderness and park boundaries. California Desert protection proposals introduced in earlier Congresses affected approximately the same number of Catellus acres.

Most of the Catellus acreage affected by these designations is intermingled with federal lands in a checkerboard pattern of ownership within which Catellus and the federal government own every other section. This pattern of ownership results in the placement of Catellus lands in wilderness or park whenever the alternating federal sections are included within the boundaries of these units.

The practical effect of including Catellus's lands in the Desert wilderness and park areas is to make it virtually impossible to exercise the existing development rights in those lands. This occurs for two reasons. First, federal wilderness or park designation will subject development activities within the areas to additional stringent regulatory requirements designed to afford maximum protection to wilderness and park values. These restrictions will make development activities uneconomic. Second, should Catellus attempt to conduct any development on these lands—notwithstanding these restrictions—it would be exposed to costly litigation intended to frustrate any development and stimulate adverse public reaction. The result will be that the affected Catellus lands will suffer significant diminution in value.

CATELLUS' POSITION

Since 1987, when Catellus's former parent company, Santa Fe Pacific Corporation, first submitted a statement on Senator Cranston's S. 7, Santa Fe Pacific Corporation and then Catellus have consistently taken the position that if Congress places private lands in restrictive status, it should ensure that the landowner is appropriately compensated for the loss of use of the land. As Senator Bennett stated in his additional views accompanying the Senate Energy and Natural Resources Committee report on S. 21 in this Congress:

[I]t is unfair to individual citizens for their government to enact restrictive legislation and not compensate them for the effect of those restrictions on their property.

I am of the view that if we are prepared to impose those restrictions in the "national interest", then the national interest should demand that the landowner be compensated and his land purchased if he wants to sell.

S. Rept. No. 165, 103rd Congress, 1st Session, at 68–69 (1993).

Both Santa Fe Pacific Corporation and Catellus suggested a number of ways by which the Federal government could acquire its Desert inholdings. Acquisition would not only provide compensation to the landowner, but would also allow the federal land managers to manage more efficiently its checkerboarded federal lands and the intermingled private lands for their wilderness and park values. Because the Bureau of Land Management doubted it had enough land classified for disposal under its jurisdiction in California to exchange, we proposed that the Federal Land Policy and Management Act's ("FLPMA") prohibition on interstate exchanges be relaxed and that surplus federal lands under the jurisdiction of the General Services Administration be made available for exchange.

Catellus objected to the earlier Desert protection bills because they failed to provide a realistic means by which Catellus's lands could be acquired and Catellus could be compensated.

THE HOUSE NATURAL RESOURCES COMMITTEE SOLUTION

In the previous Congress, the House Natural Resources Committee added a provision to the then pending Desert protection bill, H.R. 2929, designed to enable the Secretary of the Interior to acquire the State of California lands included in the bill's wilderness and park designations. The State of California Lands Commission manages these lands on behalf of the State Teachers Retirement System. By a floor amendment adopted without opposition, a similar provision applicable to the Catellus lands was added to the bill when the House passed the Desert protection bill in 1991.

We believe that it is appropriate to treat the Catellus lands in the same manner as the State lands. Just as the State Lands Commission acts as a trustee for the benefit of the State teachers in the management of the State land, Catellus has a fiduciary responsibility to its largest stockholder, the California public employees, in its management of Catellus lands. Representative Jerry Lewis drew this parallel during the House's consideration in 1991 of the Catellus amendment:

The Members should know that in this case the California Teacher's Association has very sizable investments in thousands of acres of land. The teachers have investments by way of their retirement funds in thousands of acres of lands, invested because they hoped they would be kept for various natural resources to benefit their retirees. * * *

As I understand, this amendment deals with public employees who have a similar investment in acres of land. They invested those retirement dollars in order to hope for future potential resources that might be discovered. * * *

Cong. Rec. H11396 (daily ed. Nov. 26, 1991).

Section 609 of H.R. 518 reported by the House Natural Resources Committee earlier this year is essentially the same as the amendment adopted by the House in 1991. The provision is two-pronged. First, it sets up a procedure which is intended to facilitate an agreement or series of agreements between Catellus and the Secretary of the Interior on land exchanges. These land exchanges would permit the United States to acquire Catellus landholdings included in the bill's wilderness areas and parks and to compensate Catellus by the transfer of federal lands under the jurisdiction of the Secretary of the Interior. Exchanges would be governed by FLPMA which requires that the fair market value of the land to be transferred out of federal ownership equal the fair market value of the private land to be acquired. Values would be determined in accordance with standard appraisal practices.

To the extent that not all of Catellus' lands have been acquired by exchange by 2004, the second prong of the amendment directs the Secretary of the Interior to establish an exchange account to acquire Catellus land. Under this procedure, Catellus would transfer its lands to the United States, just as it would in a land-for-land exchange, but instead of receiving federal lands in return, it would obtain exchange credits usable as payment for surplus federal properties in the State of California offered in public sales. These sales are designed according to existing law and regulations to realize for the federal government the fair market value of the property. The exchange account gives Catellus no right to federal monies in payment for its lands.

An important feature of section 609 of H.R. 518 is that it directs the Secretary to consider lands outside the State of California for possible exchange. Section 609 would allow the Secretary of the Interior to negotiate an interstate land exchange agreement with Catellus but would require that the exchange be approved by a joint resolution of Congress before it may take effect.

The exchange account is patterned after similar accounts established for the Cook Inlet Region, Incorporated (Sec. 12 of Public Law No. 94–204, 89 Stat. 1150 (January 2, 1976), 43 U.S.C. Sec. 1611 note) for the Haida Corporation (Sec. 15 of Public Law No. 102–415, 106 Stat. 2123 (October 14, 1992)), the Gold Creek Susitna Association, Incorporated (Sec. 20 of Public Law No. 102–415, 106 Stat. 2127 (October 14, 1992)), and for the private landowners within the Kaloko Honokohau National Historical Park (Public Law No. 98–146, 97 Stat. 954 (November 4, 1983), 16 U.S.C. Sec. 396f). Our research indicates that in all these instances, the exchange account has proven to be an efficient and effective mechanism for acquiring non-federal lands for national purposes and for compensating the owners for the lands' value.

ACTIONS TAKEN IN THIS CONGRESS

Senator Feinstein's Desert Protection bill introduced in 1993 included a provision identical to the Catellus provision adopted by the House in 1991. However, in order to obtain the votes needed to report the bill out of the Senate Energy and Natural Resources Committee, Senator Feinstein agreed to the deletion of the Catellus provision. Senator Hatfield had opposed the provision because of his concern that it could result in federal lands in his state of Oregon being exchanged for Catellus' Desert inholdings. After the provision was dropped, Senator Hatfield voted to report the bill. Unfortunately, the Senate did not restore the provision when it passed S. 21 last year.

Congressman Lehman also included the Catellus provision in H.R. 518 introduced in

this Congress. The House Natural Resources Committee amended the provision by limiting the use of exchange credits to surplus federal property located in the State of California.

CONGRESSMAN LEWIS' AMENDMENTS

Representative Jerry Lewis has proposed two amendments to the Catellus provision contained in section 609 of H.R. 518. The first would delete the provision altogether. By doing so, his amendment would eliminate the only provision in the bill which would compensate Catellus for making it possible to create nearly 10% of the bill's wilderness and parks. We are unable to understand Congressman Lewis' motivation. The amendment is inimical to the interests of the public employees and is clearly inconsistent with the concern he expressed in 1991 for their investment in Catellus. It is also detrimental to the interests of other private property owners seeking the appropriation of scarce funds for land acquisition, in that it increases the likelihood that appropriated funds will eventually have to be used to acquire the Catellus inholdings. We therefore urge you to oppose the amendment.

Mr. Lewis's second amendment extends the Catellus provision to provide the same treatment to all other private inholders in the designated areas. We have no objection to this amendment, although we question whether the provision works for the smaller inholders or whether they actually desire the same treatment. As far as we know, none of those private landowners has suggested that the provisions of FLPMA are inadequate for the Secretary to negotiate an exchange or purchase with them.

Again, I appreciate the opportunity to have met with you to explain the importance of section 609 to Catellus and to the 970,000 public employees who invested in Catellus.

Sincerely,

JAMES G. O'GARA,
*Senior Vice President.*

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 27, 1994.*

JAMES G. O'GARA,
*Senior Vice President, Catellus Development Corporation, San Francisco, CA.*

DEAR MR. O'GARA: Thank you for your letter of June 25, which briefly addresses a few of the questions included in my recent letter to you. Unfortunately, the vast majority of my questions remain unanswered, and I would appreciate your complete response to them as soon as possible.

As this information is directly relevant to legislation which the House of Representatives is currently considering, I look forward to hearing from you soon.

Sincerely,

MICHAEL HUFFINGTON,
*Member of Congress.*

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 19, 1994.*

Dr. WILLIAM CRIST,
*President of the Board, California Public Employees Retirement System, Sacramento, CA.*

DEAR DR. CRIST: As the Congressman from the 22nd District of California, I have taken a great interest in the various issues pertaining to the Desert Protection Act, currently pending before the Congress. As you may be aware, the Desert Protection Act contains a special interest provision for the Catellus Corporation, in which the California Public Employees Retirement System (CALPERS) has a major stake. I have strongly opposed passage of that provision.

As a result of my inquiries, certain information has come to my attention that I feel compelled to share with CALPERS as it relates to the vital interests of your members—a subject of concern to me, as it is, of course, to CALPERS. I would appreciate your careful and immediate review of these disturbing facts as outlined below.

As you know, in 1989 CALPERS initially invested $398 million for 20 percent of the common stock of the Catellus Corporation, then a private real estate corporation owned by the Santa Fe Pacific Corporation (Santa Fe). Indeed, through purchases of preferred stock and the conversion of bonds, the total amount invested to date in Catellus has risen to $544 million. The amount invested in common stock, $473 million for 40 percent, is apparently one of the larger common stock investments ever made by CALPERS.

It appears that CALPERS first purchased Catellus stock for $37.75 per share when the company was still private. Because there was no public in market, CALPERS was limited in its ability to sell its Catellus stock which, as a result, increased the investment risk. This risk became painfully evident when, less than one year later, Catellus became a publicly traded corporation. Its stock first sold at only $11 a share and quickly dropped to $9, representing a 70 percent decline from the price paid by CALPERS.

In 1989, Catellus valued its developable and income producing properties at $2.4 billion. At the end of 1993, despite increasing its holdings, Catellus's properties were worth only $1.4 billion. Even in 1989 when CALPERS invested $398 million for 20 percent of Catellus's equity, the company's book value was only $118.4 million.

However, as an investment in Catellus was somewhat speculative at best, that investment appears to differ markedly from the sizable interests CALPERS has held in well-known American companies. At the end of each fiscal year from 1989 to 1993, the initial CALPERS investment in Catellus of $398 million was only exceeded by equity investments in IBM, Exxon Corporation, General Electric and AT&T. While CALPERS's investment in publicly-traded companies appears prudent, its investment in Catellus, a relatively unknown and financially speculative real estate company, appears questionable at best and underscores the need for review of the process by which the pension fund came to invest so heavily in Catellus.

It appears that CALPERS had at least two outside consultants: Chicago-based JMB Realty Company, and the San Francisco-based Roulac Consulting Group. As I understand it, the JMB Realty Company received a fee of $8 million for referring Catellus to CALPERS and continues to receive a yearly management fee of $2.4 million from the pension fund although its duties are not clear. It also appears unclear what services were in fact provided by the Roulac Group and what compensation was received.

The facts detailed above raise serious questions concerning the judgment of CALPERS in making the Catellus investment and its impact on millions of California pensioners. I believe therefore, that there is a need for an internal inquiry into the process by which the decision to invest in Catellus was taken. In such an inquiry, I suggest that one look into circumstances of the sale of land by Santa Fe to Catellus which was originally given to the railroad by the Federal Government and the fees paid to JMB and others involved in this investment, with a view to determining whether funds could be recovered from the various corporate entities that may have benefited at CALPERS's expense.

I thank you for your attention to this matter and you have my assurance of continued involvement to see that the interests of the California retirees are not prejudiced.

Sincerely,

MICHAEL HUFFINGTON,
*Member of Congress.*

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Lewis of California amendment. This amendment—we have been working on this bill for a while, Mr. Chairman, as most Members know, and I think we are at the conclusion of it—the fact is that this amendment would really undo, disassemble the entire legislative proposal that we now have before us. It would eliminate the expansion of the parks that are in here, the designation of the new park; obviously, it would substantially reduce the amount of wilderness that is in the bill and which has been in the bills that have passed the House by a previous Congress. The fact is we spent a lot of time on this measure over the last 6 to 8 years.

The commission that the gentleman refers to, which was set up in the early 1970's, obviously, events and circumstances have eclipsed whatever benefit and whatever judgments were made by that particular commission. It was probably a good intention on the part of Congress in the early seventies to set up the commission, but it did not work, it did not come together, it did not build the type of consensus and support that is necessary to in fact designate this California wilderness area, the California desert lands. It did not build up the type of legislative action. That is not unusual, but I think that is a failed model, that type of commission.

We ought to think about that before we set up commissions, that expensive type of commission, and take it out of the hands of the BLM managers, the Park Service or the Forest Service, usually charged with the responsibilities to carry out studies. It was expensive and did not work. I think that is what is really at stake and what the gentleman's comments were here with regard to the commission.

But this bill, to go back now and pick up a 15-year-old report that was controversial and unworkable at the time, and try to suggest that was going to be implemented in the law, especially after the Congress acted on more progressive measures and has a very progressive measure before them today, one that has been perfected. Some of the modifications, of course, Mr. Chairman, you realize and other Members, that I did not agree with, but nevertheless we are marching forward with that today, to see it enacted eventually into law after modifications with the Senate conferees.

So I would hope we would reject this amendment. It fails to deal with many

of the issues that we have. It is not responsive. It takes us back to the thrilling days of yesterday and not addressing where we are in 1994.

I think that the amendment simply does not do the job and deserves to be defeated, because of the tremendous work that has been done on this and the fact that it is a flawed amendment.

Mr. Chairman, I rise in opposition to the Lewis amendment in the nature of a substitute.

This is a very similar to a substitute offered by the gentleman from California, [Mr. LEWIS] when the House considered the California desert legislation in the last Congress. That substitute was rejected by a wide margin, and this substitute should also be rejected.

The substitute would designate some wilderness areas on BLM-managed public lands in the California desert and it would add some lands to the existing Death Valley and Joshua Tree National Monuments. However, it would omit from wilderness many important areas that would be protected under either the Senate-passed bill or the version adopted by the Natural Resources Committee. In addition, it totally omits the designation of a National Park System unit in the East Mojave Area.

Earlier during our consideration of this bill there was considerable debate about the future management of the East Mojave. In particular, the LaRocco-Lewis amendment addressed the question of whether sport hunting should continue to be permitted on those lands.

I did not support that amendment, Mr. Chairman. But on one point I was in complete agreement with the amendment's supporters. That point was that this is an area that should be under the management of the National Park Service.

By adoption of the LaRocco amendment, the House, including the gentleman from California, [Mr. LEWIS] has already shown clear support for placing those lands under the management of the National Park System. But this substitute would reverse that decision.

The substitute also would undercut agreements that have been worked out on other aspects of the bill, including the one developed by Chairman MILLER and Mr. CUNNINGHAM.

The substitute also lacks many other important features of the Senate bill and the version reported by our committee;

It fails to transfer lands to the State of California for expansion of the Red Rock Canyon State Park;

It fails to establish a desert lily sanctuary, as would be done by the Senate bill and the version reported by the committee.

It does not address the desire of the State of California to exchange its State school lands in the desert area for more developable lands, unlike the Senate bill and the version reported by the committee;

Mr. Chairman, The Lewis substitute is an incomplete and inadequate product. After nearly a decade of hearings, discussion, and debate, the time has come for Congress to resolve the outstanding questions about the future management of the public lands in the California desert. The Senate bill and the bill reported by the Natural Resources Committee are comprehensive measures that would accomplish what needs to be done. This substitute falls far short, and it should be rejected.

Mr. McCANDLESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have reached the final mile of the road on this long and arduous activity which I started with in 1975 as a Riverside County supervisor and as a person who has been born in and spent a great deal of his younger life in and most of his adult life in the desert. I must say in all candidness that those who are here and debating have characterized the current status of the desert as some type of a loose cannon in which everyone is taking advantage of a situation to the detriment of the desert and the environment surrounding it.

Many of my friends belong to 4-wheel-drive recreational activity clubs and spend a great deal of time in the desert. These people are not wealthy people. They are just working people, businessmen who enjoy the desert and in so doing take along their families, spend the weekend camping.

On many occasions they will handle in the desert some type of a project which actually results in the betterment of the desert.

When we get involved with the desert plan, I was very appreciative that this came along, and those who took the many years that they did, Bob Mathias, Jerry Pettis, Shirley Pettis, others who were Members of Congress during that time, because they were addressing what I consider to be some of the needs of the desert properly.

During that time I watched the activities of the formation of the Desert Protection Act and I then followed it very closely as a county board member of Riverside County, I monitored its evolution. If there ever was an activity which had a public forum, an input, better or more progressive or of more wide range than this particular activity, then I have yet to see such a thing take place.

We have been led to believe here that if we do not pass the bill before us, that the desert is going to go to hell in a handbasket—excuse the word, Mr. Chairman—and that it will degrade, become some type of a zoo for anybody who wishes to use it.

I must take exception to that because we already have under the desert protection plan an activity that is in place, that has designated wilderness areas, that has designated this type of land use, that last designated that type of land use and, further, is patrolled by some 40-odd rangers under the jurisdiction of the BLM to enforce, when and where they can, over this vast area, the rules and regulations of the desert plan.

Mr. Chairman, it is in force, it is there, it is on the ground, it is active. Not a bunch of people running across the desert with motorcycles, as many people would like you to picture.

So when we talk about the extremes here, I have to relate to you a personal experience in that I took 2 full days by helicopter and toured the area with the then regional director of the BLM. In this helicopter we had our maps spread out and we went all through all the area in question, every cotton-picking square mile, almost. We looked at the wilderness area designation for this location, and I said to this gentleman, "Let me understand, right down there is where we have a wilderness designation? And we have it on the maps," as Mr. Hansen said, "a designation of wilderness." Well, then I said, "I don't understand because you are telling me that wilderness is defined as a certain type of area which man has certain restrictive types of use in?" Yes. I said, "Well, there is a little house in that small canyon with a road leading off another road which leads off a larger road, and this area is going to be wilderness?" Yes.

That certainly does not fit the definition of wilderness as currently on the books.

We found other areas all through the desert protection plan's locations, this same type of configuration. We no longer had wilderness, that man had been there, he had already gone through.

These are the kind of things that kind of riled my blood a little bit because what we have in the way of an interpretation of ongoing and existing activity and those who use the desert as they have been outlined here by the opponents of our substitute amendment and the proponents of what we have in the way of a bill before us.

Mr. Chairman, my time is limited, it has been limited, and so be it. I wanted to conclude by simply saying the desert is well, the desert is satisfied with what it has. The people who use it respect it. We are not a bunch of tramps running around like chickens with our heads cut off.

I would suggest and certainly support the substitute offered by Mr. LEWIS of California.

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment and, hopefully, to bring the Members up to date on where we are right now in this process.

The bill we have before us that, hopefully, we will be voting on very soon is similar to the bill that passed the House in 1991 and more recently the one that passed the Senate by a vote of 69 to 29.

H.R. 518 is the product of a 18-year process that has been anything but exclusive. That process has included literally thousands of individual public comments and hundreds of changes to the original Desert Protection Act of 1987. We have held many hearings in Washington and in California on this bill. We have had 2 in 1987, one in 1989, 3 in 1992 and 2 more in 1993.

□ 1310

The Committee on Rules granted an open rule on May 11, and there were 45 amendments proposed to the bill, and during the 2½ months since then, Mr. Chairman, Members and their constituents have been treated to 20 hours of lively debate. During that debate 22 amendments have been added to the bill. Some of them were in the Senate bill, and some of them were not.

Looking at this bill today and the one that was originally introduced, we have eliminated 271,000 acres from wilderness. We eliminated 63,000 this year in committee. We have taken thousands more out here on the floor. We delete an additional 125 miles that was previously closed to off-road vehicle use, and I think we have aggressively tried to pursue the legitimate concerns regarding access to wilderness and park areas that are established by this legislation, and I suspect, as this bill goes to conference and individual problems come up, we will attempt to deal with them in the same vein.

With respect to private property, Mr. Chairman, we have eliminated more than 90,000 acres of private lands from the boundaries of park and wilderness areas, provided assurances for reasonable access to private property, and provided protection for inholders from unreasonable treatment by the Park Service. We have also via amendment here on the floor assured landowners that the value of their land for purchase by the Federal Government will not be diminished by presence of an endangered species. We have given to individual landowners exchange mechanisms that apply to large landowners in the development bill, namely the Catellus Development Corp. and the State Lands Commission. We have also sent a clear message to inholders, especially those with land in the East Mojave: This bill will not prohibit you from building a house or adding an addition to your home if this is what you choose to do with your land. Activities on your lands will primarily be governed by State and county zoning laws.

My colleagues, there can be no question that the desert is not the untouched, unspoiled land which was Yosemite or Yellowstone in the late 1800s. The wheels of progress have churned forward and the region has been subject to a variety of multiple uses. However, the California desert remains one of the few oases of calm in a zone of urbanization and metropolitan sprawl. It is not the wasteland or giant mining pit as some would have us believe. It is an area inhabited by only the most hearty, some, including ranchers and homesteaders whose families have been there for generations. It is home to diverse people and species of animal and plant life as well as unique cultural and geographical features.

Science dictates that the best way to protect this area for future generations to enjoy is to reduce certain extractive uses like mining and limit other heavy impacts. This management scheme contrasts with the requirements of other areas like the Sierra Nevada where active management is a necessity to sustain healthy forests and reduce threats of fire.

According to economic figures developed by the National Park Service, this bill will total tax benefits of over $30 million per year. In addition, it will generate some 3,000 jobs and tremendous secondary economic benefits. H.R. 518 is a net job creator and will contribute to Federal, State and local treasuries. As one whose district includes two national parks, I can freely say that parks are priceless resources of which we need more, where warranted and properly and honestly debated here on the floor. I think it is high time we provided solid protection for this area.

The substitute falls far short of this goal, and I want to say that the gentleman from California [Mr. LEWIS] has fought hard here, and so have his allies. He has won some; he has lost some. I salute him for his efforts and certainly do not question his sincerity or dedication to his district and the values that he thinks ought to be maintained. But I suggest that years from now, when the history is written, it is going to be remembered that we at this moment had the foresight and the vision to act boldly to protect this vital area, this majestic and fragile area of our American landscape. The real beneficiaries of this bill are not the people that are in this room or not the people who are listening at home today. The real beneficiaries of this bill are people who are not yet born, who decades from now are going to enjoy the California desert and say, "Thank God that Congress back then had the wisdom to protect this for us."

Mr. Chairman, I urge rejection of the substitute and passage of the bill.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California, my friend who has been our leader in opposing what we call the desert lockout bill.

Mr. LEWIS of California. Mr. Chairman, indeed it has been suggested throughout this debate by my colleague, the chairman, that somewhere near 75 percent of the people in California want this bill, that the reality is that that entire discussion has flowed around a question of:

"Do you want to have protection for the California desert?"

Clearly, Mr. Chairman, 75 percent of the people want protection for our desert, but this bill, the question about this bill was asked of the people who live in, who work, who understand and love the desert the most, the people who were there, and this chart reflects their reaction to this specific piece of legislation, which, to say the least, is in excess well beyond anything that is needed regarding those who are concerned about the future of the desert. The substitute that we are considering here would, if passed, create the largest wilderness designation in the continental United States.

I mean it is no small matter. It is well beyond that which is available in the continental United States at this point in terms of individual designation.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, for 1 second, just to reflect on what the gentleman has talked about with his chart up here that talks about 74 percent of the people in San Bernardino County objecting to the so-called Desert Protection Act. Now why would they do that? As my colleagues know, I think it is because the gentleman's constituents understand something that most Americans understand, and that is that the quality of our lives is largely a function of how much control we have over our lives, and they see this bill, not as something that protects the desert, but they see it as a function of the Federal Government taking away control from their lives.

Over the last several weeks, Mr. Chairman, we have been debating this bill, I think with some pretty serious amendments, and we have talked about the freedom that is taken away from the gentleman's offroaders, those families who leave their work, mostly blue collar people, and drive every Sunday or Saturday out to their favorite place in the desert where they have spent literally years and years enjoying the desert in their particular place. Whether we are talking about the amendment offered by the gentlewoman from Nevada [Mrs. VUCANOVICH] that speaks to the fact that we are taking away the rights of our mining people, the people who have carried on our mining and mineral exploration heritage in the West, they are getting their rights taken away under this bill. The hunters who are getting their rights taken away under this bill, the people in the West understand this is part of President Clinton's war on the West. It is a war that is imposed by Government, and, like most of the artifices that the President and those who support him strongly use to take away power that Americans have and control that Americans have over their own lives, it is all done on the basis of giving them something, whether it is health care, where we give them security by taking away their choices with respect to medical care, or whether it is taking away their right to use the desert as they have used it for 100 years, doing it under the guise of protecting the desert, and I guess the people from San Bernardino County asked themselves a

question: Protecting the desert from whom? And then they realize that President Clinton and the people who are proposing this bill are protecting the desert from them, the people of that county and the rest of the people of the United States who want to use this area.

□ 1320

So I thank the gentleman for his leadership on this debate we have had for a couple of weeks, and all the gentlemen who have participated in this debate, the gentlemen from California [Mr. MCCANDLESS], the gentleman from California [Mr. THOMAS], the gentleman from California [Mr. MCKEON], and the gentleman from Utah [Mr. HANSEN] who has helped to run the debate. Thank you for making this strong point with the American people.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield further, I asked for essentially additional time to make the point one more time; that is, the House has been extremely responsive to the interests and concerns of the Members who are elected to represent the desert by way of the debate that has gone before us. Several amendments have been passed by them as a result of their listening and participating that radically changed this legislation as it came from the committee, in broadly based bipartisan votes. The last major amendment passed involved a majority on both sides of the aisle, reflecting the reality that we needed to take steps to protect private property rights. The committee was not even willing to begin to listen to those concerns. The committee was extremely arbitrary with the Members from the desert, not willing to discuss this in any depth with us at all, despite the fact that 14 Members are freshmen Members and had never been through this debate before.

In return, I want to express my deep appreciation to the House. The House has been responsive to all of us, and they shaped a better bill as a result of it. We are, as the chairman has suggested, well beyond this amendment at this point in time. The substitute is now a thing of the past.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

Mr. EVERETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. EVERETT. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would say to the chairman, we are well beyond this substitute, which was the work of a commission that spent a number of years evaluating the complexity of the problems in the desert and the west. There is little doubt that this legislation comes nowhere near reflecting the needs of those who would want to truly protect all of the resources of the desert. It is my view that in this process, I am hesitant to do what I was going to do, and I suggest that we are well beyond that commission report.

I also suggest to the chairman that any communication at all, even today, would have had you know that no one was attempting to use up all kinds of extra time today. I do not remember on the floor when we had a motion to limit debate. It may have occurred sometime in the last 15 years. But this is an outrageous exercise one more time of the kind of control that this committee likes to exercise.

But, having said that, as we are beyond this amendment, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. LEWIS]?

There was no objection.

The CHAIRMAN. Are there further amendments to the bill?

Mrs. VUCANOVICH. Mr. Chairman, I rise in strong support of the substitute of our colleague from California and a Representative of the California desert area, Mr. LEWIS.

The Lewis substitute before us is the painstakingly formulated compromise plan for the management of the California Desert Conservation Area which the 94th Congress dictated the Bureau of Land Management prepare in section 601 of the Federal Land Management and Policy Act of 1976.

Mr. Chairman, FLPMA, the organic act for the BLM, is the public lands management bible for many Members from the other side of the aisle. FLPMA stands for retention of public lands rather than disposal as was the case generally prior to its passage. Yet, it is these very same Members that now wish to trash the mandate of section 601 because their environmentalist friends didn't get everything they wanted in the BLM's CDCA plan which was over a decade in the making.

Mr. Chairman, the environmental community and miners, grazers, motorized recreationists, and others all had to compromise their desires in the BLM's plan. But the environmental special interest groups knew that if they didn't get everything they sought in the BLM plan, well, they would just go to their friends in the California delegation and win it back. That's what H.R. 518 is really all about. The Lewis substitute would say "No" to all interest groups. You had your shot to be persuasive in the administrative process that was many years in the making. The Lewis substitute is the congressional ratification of that process, and I support it fully.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the House for its persistence in sticking with us on this legislation. I deeply regret that this legislation had to be the subject of personal attacks on the chair of this committee, namely, me, because throughout the history of this legislation and the history of the Committee on Natural Resources, I have continued to run a very open committee, and any member of that committee could have offered any one of these amendments in committee and yet chose not to do that.

The gentleman from California [Mr. LEHMAN] and the gentleman from Minnesota [Mr. VENTO] have spent hours with their subcommittees on this legislation, as have the members of this committee. The gentleman from California [Mr. DREIER] likes to refer to me as Mr. Open Rule, because I continue to insist that these bills come before the House under an open rule. Clearly this bill has worn out its welcome on the floor, and that is why we put a time limitation on it.

But I think we have developed the fact that this bill is necessary. As the gentleman who just spoke in the well said, we are way beyond the substitute that he was offering, way beyond the commission report, because when that commission report was issued, the difference between that and today is that California has 15 million more people. Open spaces and the utilization of those open spaces and the protection of those open spaces for the multiple uses that are in this bill is more and more difficult, but more and more urgent.

Our colleague, the gentleman from California [Mr. LEHMAN], said it quite correctly. This bill, as all other bills that protect the wilderness of this country, that protect the national parks and create the national parks, will in the future again be recognized for what it did. It passed on as part of the heritage of this country the great natural assets to the next generation. We have the possibility with the designation of these areas as parks, with upgrading, if you will, the status of these lands, to start some rehabilitation where the lands have been abused, to change some uses from one area to another so the more sensitive areas can be protected, so that habitat can be protected, and so that the right of the public to access can be protected. Those who seek to use this for off-the-road vehicles, we have some 33,000 miles that they can use. We have to recognize mining. We must take some of these lands as we find them in 1994. This is not 1894. We have had to grandfather existing mining operations in. It is good for the local economy. These people were there before. They have a right to continue those activities, and we have a right to preserve the lands around those to the best that we can.

But what we could not allow is the continued unbridled misuse of many of these lands, and some are more critical than others. The misuse only comes by comparison to those lands and how frail they are. That is what the Committee on Natural Resources struggled with, that is what this House has struggled with, and I believe that when we pass this legislation, we will have done so successfully.

It has been said time and again in this debate, and it is a fact, that the people of California overwhelmingly support the creation of these national parks. It has been said time and again that the people in the area do not exactly support the creation of these national parks. That would have been true when we created the Olympic National Park. That would have been true when we created Yellowstone, when we created the Everglades, when we created the Mojave, when we created the Grand Canyon, and, of course, when we created Yosemite.

The people in the area kind of liked it the way it was. But we recognize that these were unique natural assets that are part of the heritage of this country, and they could not be squandered for timber interests, they could not be squandered for mineral interests, for oil interests, or for any single interest. They must be tried and preserved for the people of this Nation to enjoy. Whether those people come to these deserts or they come to our mountains or they come to the great canyons of this Nation, whether they come from the west coast or from the east coast or from the heartland of this country, they are entitled to have that heritage passed on, so that they can show it to their children and to their grandchildren, so that their grandchildren can show it to their grandchildren. And what the Desert Act points out is that unless we act now, we will not have that opportunity for the next generations.

California is a very crowded place. If these deserts were not on the edge, on the virtual edge of massive populations, we might take a different approach.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, but the fact is that these lands are on the edge of this huge, huge metropolitan population that seeks to use these lands, and rightfully so, as an outlet for their family activities, for their hobbies, for their exercise, for their own education, and for all of the other uses. That is what this act preserves. It preserves it in multiple uses, in multiple classifications, and for multiple access by the people of this Nation and the people of California.

Let us also know that this bill has been under study for a considerable period of time, since the first recommendations in 1978 and 1980, and during that time it has garnered the support of almost every newspaper in the State of California, suburban newspapers and urban newspapers, from San Bernardino County, from Inyo County, from San Diego, from Los Angeles, Santa Barbara, across the State.

□ 1330

Out of that opinion, out of that consensus, out of that support we have tried to put together a bill that would serve us well today and far, far into the future. It has been difficult. We have had to contend with these different uses.

We had to contend with the fact that there are large landowners in the area that would like to get out of the area, that would like to move on. We had to contend with the fact that one of those cases, the Catellus Corp., the State's lands commission represented the investment, the savings, the future, the retirement of California's public employees, of its retired teachers. And we tried to find a way so that we could get them out of these areas should they decide to sell those lands.

Somehow the gentleman from California [Mr. HUFFINGTON] sees those people as a special interest, people who should not be considered in this legislation, so that we cannot consider a means by which their retirement, their investments, their savings and their future can be considered as we transition the uses of these lands from one to another on a willing seller, a willing buyer basis. The same privilege that we have given to savings and loans and to corporations, somehow we were not going to give to the retired individuals in California.

That is not a special interest. That is an interest that deserves to be taken care of and to be considered, at least, in this legislation as was the mining interest, as were the off-the-road vehicles, as were the campers, the rock hounds, the naturalists and everybody else, the military, all of those were the interests that make up the California desert.

I would hope that my colleagues would support this legislation. It has been a lively debate, as the gentleman from California [Mr. LEHMAN] said, but I think we are right. I think we will create a product that not only has the overwhelming support of the House but of the Nation. It is compatible with the hard work, the stewardship, and the effort that Senator FEINSTEIN put into this legislation.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has again expired.

(On request of Mr. LEWIS of California and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Many said, after they threw out a Senator who built his career on rejecting this legislation, after the voters of California threw out a Senator that made the hallmark of his career his resistance to the Desert Act, she took this up. She took this up as a cause. And they said it would never come out of the Senate.

The fact is, she was able to navigate this legislation through the Senate, to put it before us, and we are now acting in response to that.

Over 69 Members of the Senate supported this on a bipartisan basis. We should do the same in this House. We should support this legislation on a bipartisan basis.

Mr. Chairman, the California Desert Protection Act merits our support. Nearly identical to legislation which passed the House in the 102d Congress, this bill designates almost 4 million acres as wilderness and transfers the existing 1.5 million acre East Mojave National Scenic Area from the Bureau of Land Management to the National Park System. In addition, the bill expands the existing Joshua Tree and Death Valley National Monuments by 234,000 acres and 1.3 million acres respectively, and redesignates the monuments as national parks.

The California Desert Protection Act overwhelmingly passed the House in 1991 by a vote of 297 to 136. Since 1987, there have been approximately 15 hearings in Washington, DC and California on desert protection legislation. In this Congress, the Subcommittee on National Parks, Forests and Public Lands held a hearing June 15, 1993 on the bill we are considering today. The hearings have demonstrated the widespread support for desert protection from environmental organizations, cities, utilities, and scientists. A field poll taken last year showed that 71 percent of Californians favor National Park Service management in the existing East Mojave National Scenic Area.

If the California Desert Protection Act is adopted, all existing uses of the desert will continue, sometimes in different areas under different management prescriptions. But there is no use of the desert land permitted today that will be precluded by enactment of this legislation.

For those who like to backpack, the bill designates nearly 4 million acres of wilderness, and there are thousands of trail miles to walk along. All of the areas to be designated wilderness were classified as roadless by the Bureau of Land Management in its desert plan, and all of the areas qualify for wilderness, according to the BLM.

For those who like to ride motorcycles and dune buggies, the legislation leaves open approximately 33,000 miles of roads, including 18,000 miles of primitive routes and 15,000 miles of paved and unmentioned dirt roads. Approximately 430,000 acres of public land—an area approximately 10 times the size of Washington, DC—will remain open primarily for use as off-road play areas for trail bike and all-terrain vehicle users.

Of special interest to off-road vehicle users is the 61,630-acre South Algodones (pronounced "Owl Go Dough Nays") Dunes area which will remain open for motorcycle and other vehicle users. The previously passed House bill did not leave this area open.

For those who presently enjoy the privilege of mining on public land, the legislation allows anyone with valid existing rights to continue operating. In addition, we exclude all known active mines within the park and wilderness areas designated by this bill.

The privilege of grazing on public lands also will be permitted subject to existing laws and

National Park Service regulations in Death Valley and Mojave National Parks.

H.R. 518 also satisfies the concerns initially raised by utilities operating in the California Desert, including the Los Angeles Department of Water and Power, Southern California Edison, Southern California Gas Co., and the Metropolitan Water District. In addition, the Pacific Gas and Electric Co. owns and operates a natural gas pipeline known as line 300 on existing rights-of-way adjacent to but outside areas designated as wilderness. Since the right-of-way is outside any specific wilderness designation, statutory language with respect to its continued operation such as that included in the bill for other utility activities is unnecessary. It is our intent that the legislation will not affect the utility's operations, or the customary use and maintenance of the existing right-of-way.

Mr. Chairman, the California Desert Protection Act has been debated in each successive Congress since 1986. And the debate existed as early as 1976 when Congress ordered the first study about future uses of the California desert. It is time to enact legislation so that all desert users—miners, hikers, educators, recreational vehicle users and others—will have some certainty about the future of the desert. At the same time as this legislation will preserve natural and scenic areas for the health, enjoyment and education of future generations, this legislation also maintains off-road vehicle recreational opportunities, and allows mining, grazing, and other activities to continue in specific areas.

Mr. Chairman, the California desert encompasses 25 million acres—approximately one-quarter the size of the State of California. Within the 25 million acres, there are three desert ecosystems known as the Sonoran, Mojave, and Great Basin, 90 mountain ranges, sand dunes as high as 700 feet, more than 2,000 species of plants and wildlife, and a wealth of archaeological sites.

Every major newspaper in California including the Los Angeles Times, San Francisco Chronicle, San Bernardino Sun, Sacramento Bee and San Diego Tribune have expressed their support for the entire bill in general, or the Mojave National Park in particular.

I commend Congressman RICHARD LEHMAN, the author of this legislation, as well as Subcommittee Chairman BRUCE VENTO who played a key role in crafting this legislation. In addition, former Senator Alan Cranston was instrumental in this effort as well.

I encourage my colleagues to support this legislation.

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 518, the California Desert Protection Act. I believe that this legislation offers a compromise that respects the interests and the integrity of all those that use the California desert while continuing to protect the desert's unique natural resources.

The bill we are debating here today is product of a peaceful accord—not a line drawn in the sand. This bill represents literally years of debate and compromise.

In the last Congress, we debated at length a similar measure. In this Congress, the careful consideration of this important piece of legislation continues. The bill has been debated at length. I want to praise the success of the members of the full committee and the subcommittee in providing an open forum for debate of the relevant issues. In addition, the Rules Committee has been extremely diligent in making sure that the debate today is ample yet focused.

Mr. Speaker, this legislation will provide permanent protection and continued enhancement for a unique natural resource—the California desert. The bill designates wilderness areas on the Bureau of Land Management lands in the California desert, establishes three new national parks, and designates wilderness areas within those new parks. In all, the measure designates about 8 million acres of wilderness, making it the largest land conservation and protection measure since the 1980 Alaska Lands Act.

Before we vote on final passage of this measure we will debate and vote on a host of amendments that cover the complete spectrum of interests at stake. We will look at the issue of roads and roadless areas. We will hear about military matters, especially the continuing use of military facilities and the impacts on military overflights. The contributions of Mr. LEHMAN and others ensure that law enforcement is not impaired by the legislation. We also ensure that the legislation is consistent with the needs of the Drug Enforcement Agency, the Immigration and Naturalization Service, the Customs Service, and other Federal, State, and local law enforcement agencies.

The bill and the amendments strive to find the proper mixture of continuing and new grazing arrangements that consider the suitability of grazing based on the site-specific analysis. Hunters and off-road enthusiasts have had and will have their concerns debated and addressed as well. Water rights, land exchanges, mining, and other management issues have all been thoroughly debated.

In short, there are many issues in such an important piece of legislation. These issues have been thoroughly debated in subcommittee, in the full committee, and here today on the floor. I am impressed with the thoroughness of the discussion. While not everyone will be happy with the ultimate outcome, everyone has had the opportunity to make their case in an open and fair forum.

This balanced legislation is the result on a reasonable process. While some seek confrontation by drawing a line in the sand, I believe that the process has produced a sound and principled piece of legislation.

Mr. BROWN of California. Mr. Chairman, I am pleased once again to offer my support for H.R. 518, the California Desert Protection Act. After many years of effort on the part of those who appreciate the special qualities of the California desert we have the opportunity to grant to present and future generations of our citizens a unique and beautiful ecosystem for their benefit and enjoyment. The desert is a fragile system. It requires and it deserves our protection.

Over the years, the expansion of communities in southern California has brought many benefits, but as a result the fragile desert ecosystem in this region has come under increasing pressure. I have long believed that unless we acted to protect this special resource that it would be destroyed. Assertions have been made on the House floor during the various debates that this legislation is solely supported by non-Californians and Californians who are from areas outside the desert region. This is not true. As a native of southern California, I grew up in the desert, and I fully support the California Desert Protection Act.

In 1978 I had the honor of sponsoring the original bill in Congress that sought to establish the east Mojave as a national scenic area. While this bill was not enacted, in 1980 this region of the California desert was designated the Nation's first national scenic area by the Secretary of the Interior.

I feel a special attachment to these lands as a native Californian, born and raised in the desert of Imperial County. I think that all people to some degree feel that they belong to the land and that the land belongs to them. Especially the land of the region in which they live. But we must remember that the land which is the subject of this debate is land that is owned by all of the American people and not only by the citizens of California. I realize that not all of us will be able to enjoy a completely free range of activities on these lands. Some of us will bear a disproportionate part of the immediate costs of these restrictions. But, I believe that the preservation of this delicate system, complete with its specialized array of plant and animal life will in the long run provide an immeasurable benefit to the majority of us. This debate and the passage of this legislation can serve as a first step in the creation of alternative and lasting possibilities in this region. As the population of southern California grows and our communities expand we need to explicitly reserve areas for contemplation, reflection, and recreation. We need these national parks and wilderness areas.

There are those who suggest that we may be the last generation to have the privilege to make choices about resource use and protection. Let us choose to pass on the mystery and beauty of the California desert to our children and theirs by passing the California Desert Protection Act.

Mr. THOMAS of California. Mr. Chairman, I appreciate this opportunity to speak on the California desert proposal, H.R. 518. Though the number of the bill has changed, unfortunately, its content is substantially the same as that of H.R. 2929 from the 102d Congress. As a result, I must once again express my opposition to this legislation and urge all Members to instead support H.R. 2379, the Lewis substitute.

Contrary to what the sponsors of H.R. 518 would have everyone believe, their bill does not represent a compromise, nor does it represent how land management decisions should be made. Certainly the concerns of my constituents, and of others who actually live, work and recreate in the desert, have not been given adequate consideration in the development of this legislation. In fact, all four of the members of the California delegation who represent areas directly affected in H.R. 518 are opposed to the bill.

The real compromise is the bill I am supporting, H.R. 2379, which protects not only the California desert, but the jobs of many who rely on the desert for their livelihood. The drafting of H.R. 2379 involved the kind of public input decisionmaking process that should be employed when major land use decisions

are made. It represents the culmination of 15 years' effort to identify areas suitable for wilderness designation in accordance with a congressionally mandated plan, and takes into account the concerns of all groups interested in the desert's future.

H.R. 2379 is the result of 100 public hearings, 16 environmental impact statements, mineral surveys and 40,000 comments reflecting the views of all who use the desert. This study surveyed 7.1 million acres of public land throughout California, and concluded that 4.8 million of those acres did not qualify for designation as wilderness because of existing roads and other factors. Therefore, through this process and as a result of public input, H.R. 2379 provides for the appropriate use and protection of public land in California, and designate 2.3 million acres of true wilderness.

In marked contrast, H.R. 518 appears to make raw acreage figures, not wilderness values or consideration of other interests, the primary determinant for deciding on wilderness. There are numerous sections of this bill that demonstrate how a public process would better serve our needs. I want to mention some of these problems to show what happens when the balanced approach is ignored.

The legislation creates wilderness and park land out of areas I never dreamed would be considered wilderness because they include sewage ponds, the Coachella water canal, private homes, abandoned trailer parks and areas with frequently used roads. When I helped produce the current Golden Trout, Machesna Mountain and Los Padres wilderness areas, I never thought it appropriate to include these kinds of things.

The bill creates hundreds of thousands of acres of inholdings—parcels of private and/or state property within the new wilderness and park areas. Inholdings, as anyone experienced with land use legislation knows, are a nightmare for the property owner and the Government. It will cost hundreds of millions of dollars to buy these people out. In many instances we do not have Federal land we can exchange for these properties.

This bill also ignores the mineral potential of the California desert. Eighty-one different minerals can be recovered from the desert. The bill's authors do not even know what they are asking you to give up. Of the 7 million acres covered by H.R. 518, for example, 5 million acres have never been surveyed for minerals. Domestic industries that rely on minerals found in abundance in the California desert will have to seek other sources of supply both in the United States and abroad.

For such reasons, H.R. 581 is not a compromise. It is clearly based on acreage rather than a thorough examination of the various interests and uses involved in the California desert. The wisdom of Congress' decision to mandate the process by which Bureau of Land Management conducted an exhaustive, thorough study of the California desert clearly shows that listening to all the public's interests and blending all of the factors included in the desert's future is the best way to reach a lasting agreement.

Like the authors of H.R. 518, we are all seeking to achieve the same goal: Protection of a unique and remarkable resource. Millions of Americans use the California desert every year under current conditions. In order to ensure that all Americans and their children have a chance to enjoy and benefit from this resource in the future, we need to enact truly balanced legislation, the kind of product that H.R. 518 clearly does not represent.

Those of us who represent the California desert do not accept H.R. 518 and as a result I urge all members to support H.R. 2379, which does represent the real compromise developed over years of effort.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SWIFT) having assumed the chair, Mr. PETERSON of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, pursuant to House Resolution 422, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VENTO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 298, nays 128, not voting 8, as follows:

[Roll No. 357]

YEAS—298

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Ehlers
Engel
English
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Zimmer

NAYS—128

| | | |
|---|---|---|
| Allard | Fowler | McInnis |
| Archer | Gallegly | McKeon |
| Armey | Gekas | McMillan |
| Bachus (AL) | Gingrich | Mica |
| Baker (CA) | Goodlatte | Michel |
| Baker (LA) | Goodling | Miller (FL) |
| Ballenger | Grams | Molinari |
| Barrett (NE) | Grandy | Moorhead |
| Bartlett | Gunderson | Myers |
| Barton | Hall (TX) | Orton |
| Bateman | Hancock | Oxley |
| Bentley | Hansen | Packard |
| Billirakis | Hastert | Paxon |
| Bliley | Hefley | Pombo |
| Boehner | Herger | Quinn |
| Bonilla | Hoekstra | Roberts |
| Bunning | Houghton | Rogers |
| Burton | Huffington | Rohrabacher |
| Buyer | Hunter | Roth |
| Callahan | Hutchinson | Royce |
| Calvert | Hyde | Sarpalius |
| Camp | Inglis | Sensenbrenner |
| Canady | Inhofe | Shaw |
| Chapman | Istook | Shuster |
| Clinger | Johnson, Sam | Skeen |
| Coble | Kasich | Smith (MI) |
| Collins (GA) | Kim | Smith (OR) |
| Combest | King | Smith (TX) |
| Cox | Kingston | Solomon |
| Crane | Knollenberg | Spence |
| Crapo | Kolbe | Stearns |
| Cunningham | Kyl | Stenholm |
| DeLay | Levy | Stump |
| Dickey | Lewis (CA) | Talent |
| Doolittle | Lewis (FL) | Taylor (NC) |
| Dornan | Lewis (KY) | Thomas (CA) |
| Dreier | Lightfoot | Thomas (WY) |
| Duncan | Linder | Vucanovich |
| Edwards (TX) | Lucas | Walker |
| Emerson | Manzullo | Young (AK) |
| Everett | McCandless | Young (FL) |
| Ewing | McCollum | Zeliff |
| Fields (TX) | McHugh | |

NOT VOTING—8

| | | |
|---|---|---|
| Brooks | Matsui | Slattery |
| Gallo | Nussle | Wheat |
| Hoke | Sharp | |

□ 1355

Mr. SARPALIUS changed his vote from "yea" to "nay."

Mr. QUILLEN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MILLER of California. Mr. Speaker, pursuant to House Resolution 422, I call up from the Speaker's table the Senate bill, S. 21, to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

(For the text of S. 21, see proceedings of the Senate of Wednesday, April 13, 1994 (Legislative day of Monday, April 11, 1994), at page 7224).

MOTION OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Speaker, pursuant to House Resolution 422, I offer a motion.

The Clerk read as follows:

Mr. MILLER of California moves to strike all after the enacting clause of S. 21 and insert in lieu thereof the provisions of H.R. 518 as passed by the House, as follows:

Strike out all after the enacting clause, and insert:

*That this Act may be cited as the "California Desert Protection Act of 1994".*

*FINDINGS AND POLICY*

*SEC. 2. (a) The Congress finds and declares that—*

*(1) the federally owned desert lands of Southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;*

*(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;*

*(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;*

*(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;*

*(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and*

*(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.*

*(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—*

*(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—*

*(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;*

*(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;*

*(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;*

*(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and*

*(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.*

*TITLE I—WILDERNESS ADDITIONS*

*FINDINGS*

*SEC. 101. The Congress finds and declares that—*

*(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;*

*(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and*

*(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.*

*DESIGNATION OF WILDERNESS*

*SEC. 102. In furtherance of the purpose of the Wilderness Act (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps referenced herein, are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System:*

*(1) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and ninety acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed 1", dated May 1991, and two maps entitled "Argus Range Wilderness—Proposed 2" and "Argus Range Wilderness—Proposed 3", dated January 1989, and which shall be known as the Argus Range Wilderness. If at any time within 15 years after the date of enactment of this Act the Secretary of the Navy notifies the Secretary of the Interior that permission has been granted to use lands within the area of the China Lake Naval Air Warfare Center for installation of a space energy laser facility, and that establishment of a right-of-way across lands within the Argus Range Wilderness is desirable in order to facilitate access to the lands to be used for such facility, the Secretary of the Interior, pursuant to the Federal Land Policy and Management Act of 1976, may grant a right-of-way for, and authorize construction of, a road to be used solely for that purpose across such lands, notwithstanding the designation of such lands as wilderness. So far as practicable, any such road shall be aligned in a manner that takes into account the desirability of minimizing adverse impacts on wilderness values.*

*(2) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand three hundred and eighty acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", dated July 1993, and which shall be known as the Bigelow Cholla Garden Wilderness.*

*(3) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and within the San Bernardino National Forest, which comprise approximately thirty-nine thousand two hundred acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", dated September 1991, and which shall be known as the Bighorn Mountain Wilderness.*

*(4) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Big Maria Mountains Wilderness.*

*(5) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirteen thousand nine hundred and forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", dated July 1993, and which shall be known as the Black Mountain Wilderness.*

*(6) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", dated May 1991, and which shall be known as the Bright Star Wilderness.*

*(7) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-eight thousand five hundred and fifteen acres, as generally depicted on two maps entitled "Bristol Mountains Wilderness—Proposed 1", and "Bristol Mountains Wilderness—Proposed 2", dated September 1991, and which shall be known as Bristol Mountains Wilderness.*

*(8) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", dated July 1993, and which shall be known as the Cadiz Dunes Wilderness.*

*(9) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-four thousand four hundred acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Cady Mountains Wilderness.*

*(10) Certain lands in the California Desert Conservation Area and Eastern San Diego County, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", dated February 1986, and which shall be known as the Carrizo Gorge Wilderness.*

*(11) Certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and twenty acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Chemehuevi Mountains Wilderness.*

*(12) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirteen thousand seven hundred acres, as generally depicted on two maps entitled "Chimney Peak Wilderness—Proposed 1" and "Chimney Peak Wilderness—Proposed 2", dated May 1991, and which shall be known as the Chimney Peak Wilderness.*

*(13) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred fifty-eight thousand nine hundred and fifty acres, as generally depicted on two maps entitled "Chuckwalla Mountains Wilderness—Proposed 1" and "Chuckwalla Mountains Wilderness—Proposed 2", dated January 1989, and which shall be known as the Chuckwalla Mountains Wilderness.*

*(14) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise thirty-four thousand three hundred and eighty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", dated September 1991, and which shall be known as the Cleghorn Lakes Wilderness. The Secretary may, pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road and utilities within the area depicted as "nonwilderness road corridor" on such map.*

*(15) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Clipper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as Clipper Mountain Wilderness.*

*(16) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand five hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", dated May 1991, and which shall be known as Coso Range Wilderness.*

*(17) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Coyote Mountains Wilderness.*

*(18) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", dated May 1991, and which shall be known as Darwin Falls Wilderness.*

*(19) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-eight thousand eight hundred and fifty acres, as generally depicted on a map entitled "Dead Mountains Wilderness—Proposed", dated October 1991, and which shall be known as Dead Mountains Wilderness.*

*(20) Certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on two maps entitled "Domeland Wilderness Additions—Proposed 1" and "Domeland Wilderness Additions—Proposed 2", dated February 1986 and which are hereby incorporated in, and which shall be deemed to be a part of, the Domeland Wilderness as designated by Public Laws 93-632 and 98-425.*

*(21) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-three thousand seven hundred and eighty acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the El Paso Mountains Wilderness.*

*(22) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand nine hundred and forty acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", dated July 1993, and which shall be known as Fish Creek Mountains Wilderness.*

*(23) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand one hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", dated May 1991, and which shall be known as Funeral Mountains Wilderness.*

*(24) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", dated February 1986 and which shall be known as Golden Valley Wilderness.*

*(25) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand seven hundred and twenty acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", dated February 1986 and which shall be known as the Grass Valley Wilderness.*

*(26) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand two hundred and forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness—Proposed", dated May 1991, and which shall be known as the Hollow Hills Wilderness.*

*(27) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand four hundred and sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", dated May 1991, and which shall be known as the Ibex Wilderness.*

*(28) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-four thousand and fifty-five acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", dated May 1994, and which shall be known as the Indian Pass Wilderness.*

*(29) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, and within the Inyo National Forest, which comprise approximately two hundred five thousand and twenty acres, as generally depicted on three maps entitled "Inyo Mountains Wilderness—Proposed", numbered in the title one through three, and dated May 1991, and which shall be known as the Inyo Mountains Wilderness.*

*(30) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred and seventy acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", dated July 1993, and which shall be known as the Jacumba Wilderness.*

*(31) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand five hundred and eighty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed 1", dated October 1991, a map entitled "Kelso Dunes Wilderness—Proposed 2", dated May 1991, and a map entitled "Kelso Dunes Wilderness—Proposed 3", dated September 1991, and which shall be known as the Kelso Dunes Wilderness.*

*(32) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and ninety acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed 1", dated February 1986, and a map entitled "Kiavah Wilderness—Proposed 2", dated May 1991, and which shall be known as the Kiavah Wilderness.*

*(33) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred nine thousand six hundred and eight acres, as generally depicted on four maps entitled "Kingston Range Wilderness—Proposed", numbered in the title one through four dated May 1994, and which shall be known as the Kingston Range Wilderness.*

*(34) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand eight hundred and eighty acres, as generally depicted on a map entitled "Little Chuckwalla Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Little Chuckwalla Mountains Wilderness.*

*(35) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately thirty-three thousand six hundred acres, as generally depicted on a map*

*entitled "Little Picacho Wilderness—Proposed", dated July 1993, and which shall be known as the Little Picacho Wilderness.*

*(36) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and sixty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", dated September 1991, and which shall be known as the Malpais Mesa Wilderness.*

*(37) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred and five acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", dated October 1991, and which shall be known as the Manly Peak Wilderness.*

*(38) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-four thousand two hundred acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Mecca Hills Wilderness.*

*(39) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand three hundred and thirty acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", dated May 1991, and which shall be known as the Mesquite Wilderness.*

*(40) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Newberry Mountains Wilderness.*

*(41) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred ten thousand eight hundred and sixty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", dated July 1993, and which shall be known as the Nopah Range Wilderness.*

*(42) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand two hundred and forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated October 1991, and which shall be known as the North Algodones Dunes Wilderness.*

*(43) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-five thousand five hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the North Mesquite Mountains Wilderness.*

*(44) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-six thousand and seventy acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed 1", dated May 1994 and a map entitled "Old Woman Mountains Wilderness—Proposed 2", dated October 1991, and which shall be known as the Old Woman Mountains Wilderness.*

*(45) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-seven thousand four hundred and eighty acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", dated May 1994, and which shall be known as the Orocopia Mountains Wilderness.*

*(46) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately seventy-four thousand six hundred and forty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed 1", dated February 1986, and two maps entitled "Owens Peak Wilderness—Proposed 2" dated February 1986 and "Owens Peak Wilderness—Proposed 3", dated May 1991, and which shall be known as the Owens Peak Wilderness.*

*(47) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", dated February 1986 and which shall be known as the Pahrump Valley Wilderness.*

*(48) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred seventy thousand six hundred and twenty-nine acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed 1", dated July 1993, and a map entitled "Palen/McCoy Wilderness—Proposed 2", dated July 1993, and which shall be known as the Palen/McCoy Wilderness.*

*(49) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and ten acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Palo Verde Mountains Wilderness.*

*(50) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand seven hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", dated May 1991, and which shall be known as the Picacho Peak Wilderness.*

*(51) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-two thousand six hundred acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", dated May 1991, and which shall be known as the Piper Mountain Wilderness.*

*(52) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-six thousand eight hundred and forty acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Piute Mountains Wilderness.*

*(53) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-eight thousand eight hundred and sixty-eight acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", dated May 1991, and which shall be known as the Resting Spring Range Wilderness.*

*(54) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", dated May 1991, and which shall be known as the Rice Valley Wilderness.*

*(55) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-two thousand three hundred eighty acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", dated May 1991, and which shall be known as the Riverside Mountains Wilderness.*

*(56) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand seven hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", dated January 1989, and which shall be known as the Rodman Mountains Wilderness.*

*(57) Certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-one thousand nine hundred acres, as generally depicted on two maps entitled "Sacatar Trail Wilderness—Proposed 1" and "Sacatar Trail Wilderness—Proposed 2", dated May 1991, and which shall be known as the Sacatar Trail Wilderness.*

*(58) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one thousand four hundred and forty acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", dated July 1993, and which shall be known as the Saddle Peak Hills Wilderness.*

*(59) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand nine hundred and eighty acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", dated July 1993, and which are hereby incorporated in, and which shall be deemed to be a part of, the San Gorgonio Wilderness as designated by Public Laws 88–577 and 98–425.*

*(60) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-four thousand three hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", dated March 1994, and which are hereby incorporated in, and which shall be deemed to be part of, the Santa Rosa Wilderness designated by Public Law 98–425.*

*(61) Certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand and eighty acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Sawtooth Mountains Wilderness.*

*(62) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred seventy-four thousand eight hundred acres, as generally depicted on two maps entitled "Sheep Hole Valley Wilderness—Proposed 1", dated July 1993, and "Sheep Hole Valley Wilderness—Proposed 2", dated July 1993, and which shall be known as the Sheephole Valley Wilderness.*

*(63) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-four thousand four hundred and ten acres, as generally depicted on a map entitled "Slate Range Wilderness—Proposed", dated October 1991, and which shall be known as the Slate Range Wilderness.*

*(64) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", dated February 1986, and which shall be known as the South Nopah Range Wilderness.*

*(65) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand and fifty acres, as generally depicted*

*on a map entitled "Stateline Wilderness—Proposed", dated May 1991, and which shall be known as the Stateline Wilderness.*

*(66) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Stepladder Mountains Wilderness.*

*(67) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand one hundred and eighty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Proposed", dated September 1991, and which shall be known as the Surprise Canyon Wilderness.*

*(68) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", dated February 1986, and which shall be known as the Sylvania Mountains Wilderness.*

*(69) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand seven hundred and twenty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", dated May 1991, and which shall be known as the Trilobite Wilderness.*

*(70) Certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed 1", dated February 1986 and a map entitled "Turtle Mountains Wilderness—Proposed 2", dated May 1991, and which shall be known as the Turtle Mountains Wilderness.*

*(71) Certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately seventy-seven thousand five hundred and twenty acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", dated July 1993, and which shall be known as the Whipple Mountains Wilderness.*

*ADMINISTRATION OF WILDERNESS AREAS*

*SEC. 103. Subject to valid existing rights, each wilderness area designated under section 102 shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.*

*GRAZING*

*SEC. 104. Within the wilderness areas designated under section 102, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96-560 (16 U.S.C. 133 note).*

*BUFFER ZONES*

*SEC. 105. The Congress does not intend for the designation of wilderness areas in section 102 of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.*

*MINING CLAIM VALIDITY REVIEW*

*SEC. 106. The Secretary of the Interior shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within any wilderness area designated under section 102, and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.*

*FILING OF MAPS AND DESCRIPTIONS*

*SEC. 107. As soon as practicable after enactment of section 102, a map and a legal description on each wilderness area designated under this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as is appropriate.*

*WILDERNESS REVIEW*

*SEC. 108. (a) The Congress hereby finds and directs that except for those areas provided for in subsection (b), the public lands in the California Desert Conservation Area, managed by the Bureau of Land Management, not designated as wilderness or wilderness study areas by this Act, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1782), and are no longer subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976 pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.*

*(b) The following areas shall continue to be subject to the requirements of section 603(c) of the Federal Land Policy and Management Act of 1976, pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness:*

*(1) Certain lands which comprise approximately sixty-one thousand three hundred and twenty acres, as generally depicted on a map entitled "Avawatz Mountains Wilderness—Proposed", dated May 1991.*

*(2) Certain lands which comprise approximately eighty thousand four hundred and thirty acres, as generally depicted on two maps entitled "Soda Mountains Wilderness—Proposed 1", dated May 1991, and "Soda Mountains Wilderness—Proposed 2", dated January 1989.*

*(3) Certain lands which compromise approximately twenty-three thousand two hundred and fifty acres, as generally depicted on a map entitled "South Avawatz Mountains—Proposed", dated May 1991.*

*(4) Certain lands which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", dated February 1986.*

*(5) Certain lands which comprise approximately thirty-nine thousand seven hundred and sixty acres, as generally depicted on a map entitled "Kingston Range Potential Future Wilderness", dated May 1994.*

*(c) Subject to valid existing rights, the Federal lands referred to in subsection (b) are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto, and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).*

*DESIGNATION OF WILDERNESS STUDY AREA*

*SEC. 109. In furtherance of the provisions of the Wilderness Act, certain public lands in the California Desert Conservation Area of the Bureau of Land Management which comprise eleven thousand two hundred acres as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated May 1991, are hereby designated the White Mountains Wilderness Study Area and shall be administered by the Secretary in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act of 1976.*

*SUITABILITY REPORT*

*SEC. 110. The Secretary is required, ten years after the date of enactment of this Act, to report to Congress on current and planned exploration, development or mining activities on, and suitability for future wilderness designation of, the lands as generally depicted on maps entitled "Surprise Canyon Wilderness—Proposed", "Middle Park Canyon Wilderness—Proposed", and "Death Valley National Park Boundary and Wilderness 15", dated September 1991 and a map entitled "Manly Peak Wilderness—Proposed", dated October 1991.*

*WILDERNESS DESIGNATION AND MANAGEMENT IN THE NATIONAL WILDLIFE REFUGE SYSTEM*

*SEC. 111. (a) In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and therefore, as components of the National Wilderness Preservation System:*

*(1) Certain lands in the Havasu National Wildlife Refuge, California, which comprise approximately three thousand one hundred and ninety-five acres, as generally depicted on a map entitled "Havasu Wilderness—Proposed", and dated October 1991, and which shall be known as the Havasu Wilderness.*

*(2) Certain lands in the Imperial National Wildlife Refuge, California, which comprise approximately five thousand eight hundred and thirty-six acres, as generally depicted on two maps entitled "Imperial Refuge Wilderness—Proposed 1" and "Imperial Refuge Wilderness—Proposed 2", and dated October 1991, and which shall be known as the Imperial Refuge Wilderness.*

*(b) Subject to valid existing rights, the wilderness areas designated under this section shall be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.*

*(c) As soon as practicable after enactment of this section, the Secretary shall file a map and a legal description of each wilderness area designated under this section with the Committees on Energy and Natural Resources and Environment and Public Works of the Senate and Natural Resources and Merchant Marine and Fisheries of the House of Representatives. Such map*

*and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Director, United States Fish and Wildlife Service, Department of the Interior.*

*SEC. 112. LAW ENFORCEMENT ACCESS.—Nothing in this Act, including the wilderness designations made by this Act, may be construed to preclude Federal, State, and local law enforcement agencies from conducting law enforcement and border operations as permitted before the enactment of this Act, including the use of motor vehicles and aircraft, on any lands designated as wilderness by this Act.*

*SEC. 113. FISH AND WILDLIFE MANAGEMENT.—As provided in section 4(d)(7) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction of the State of California with respect to fish and wildlife on the public lands located in that State. Management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by this title and shall include the use of motorized vehicles by the appropriate State agencies.*

*TITLE II—DEATH VALLEY NATIONAL PARK*

*FINDINGS*

*SEC. 201. The Congress hereby finds that—*

*(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;*

*(2) Death Valley National Monument is today recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;*

*(3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;*

*(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous Federal lands of national park caliber and afforded full recognition and statutory protection as a national park; and*

*(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.*

*ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK*

*SEC. 202. There is hereby established the Death Valley National Park, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness—Proposed", numbered in the title one through twenty-three, and dated May 1994 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park, and any funds available for purposes of the monument shall be available for purposes of the park.*

*TRANSFER AND ADMINISTRATION OF LANDS*

*SEC. 203. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).*

*MAPS AND LEGAL DESCRIPTION*

*SEC. 204. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the park designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 202. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.*

*WITHDRAWAL*

*SEC. 205. Subject to valid existing rights, the Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.*

*STUDY AS TO VALIDITY OF MINING CLAIMS*

*SEC. 206. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the additions to the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.*

*GRAZING*

*SEC. 207. (a) The privilege of grazing domestic livestock on lands within the park shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.*

*(b) If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the park, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the park and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.*

*DEATH VALLEY NATIONAL PARK ADVISORY COMMISSION*

*SEC. 208. (a) The Secretary shall establish an Advisory Commission of no more than 15 Members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.*

*(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.*

*(2) Vacancies in the Commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the Commission.*

*(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.*

*(d) The advisory commission shall cease to exist ten years after the date of its establishment.*

*SEC. 210. BOUNDARY ADJUSTMENT.—In preparing the maps and legal descriptions required by sections 204 and 502, the Secretary shall adjust the boundaries of the Death Valley National Park and Death Valley National Park Wilderness so as to exclude from such National Park and Wilderness the lands generally depicted on the map entitled "Porter Mine (Panamint Range) Exclusion Area" dated June 1994.*

*TITLE III—JOSHUA TREE NATIONAL PARK*

*FINDINGS*

*SEC. 301. The Congress hereby finds that—*

*(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;*

*(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;*

*(3) the Monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, ecological, archeological, paleontological, cultural, historical and wilderness values;*

*(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and*

*(5) the nondesignated wilderness within Joshua Tree should receive statutory protection by designation pursuant to the Wilderness Act.*

*ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK*

*SEC. 302. There is hereby established the Joshua Tree National Park, as generally depicted on a map entitled "Joshua Tree National Park Boundary—Proposed", dated May 1991, and four maps entitled "Joshua Tree National Park Boundary and Wilderness", numbered in the title one through four, and dated October 1991 or prior, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Park, and any funds available for purposes of the monument shall be available for purposes of the park.*

*TRANSFER AND ADMINISTRATION OF LANDS*

*SEC. 303. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 302 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be*

*adjusted accordingly. The Secretary shall administer the areas added to the National Park System by this title in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).*

*MAPS AND LEGAL DESCRIPTION*

*SEC. 304. Within six months after the enactment of this title, the Secretary shall file maps and legal description of the park designated by this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 302. The maps and legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.*

*WITHDRAWAL*

*SEC. 305. Subject to valid existing rights, Federal lands and interests therein added to the National Park System by this title are withdrawn from disposition under the public lands laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from the operation of the Geothermal Steam Act of 1970.*

*UTILITY RIGHTS-OF-WAY*

*SEC. 306. Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to the Metropolitan Water District pursuant to the Boulder Canyon Project Act (43 U.S.C. 617–619b), which is located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 501(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. Nothing in this title shall have the effect of terminating the fee title to lands or customary operation, maintenance, repair, and replacement activities on or under such lands granted to the Metropolitan Water District pursuant to the Act of June 18, 1932 (47 Stat. 324), which are located on lands included in the Joshua Tree National Park, but outside lands designated as wilderness under section 501(2). Such activities shall be conducted in a manner which will minimize the impact on park resources. The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Metropolitan Water District, plans for emergency access by the Metropolitan Water District to its lands and rights-of-way.*

*STUDY AS TO VALIDITY OF MINING CLAIMS*

*SEC. 307. The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the park and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.*

*JOSHUA TREE NATIONAL PARK ADVISORY COMMISSION*

*SEC. 308. (a) The Secretary shall establish an Advisory Commission of no more than 15 Members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.*

*(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.*

*(2) Vacancies in the Commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the Commission.*

*(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.*

*(d) The advisory commission shall cease to exist ten years after the date of its establishment.*

## *TITLE IV—MOJAVE NATIONAL PRESERVE*

*FINDINGS*

*SEC. 401. The Congress hereby finds that—*

*(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;*

*(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;*

*(3) the Mojave Desert area should be afforded full recognition and statutory protection as a national preserve;*

*(4) the wilderness within the Mojave Desert should receive maximum statutory protection by designation pursuant to the Wilderness Act; and*

*(5) the Mojave Desert area provides an outstanding opportunity to develop services, programs, accommodations and facilities to ensure the use and enjoyment of the area by individuals with disabilities, consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101–336, the Americans With Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.*

*ESTABLISHMENT OF THE MOJAVE NATIONAL PRESERVE*

*SEC. 402. (a) There is hereby established the Mojave National Preserve, comprising approximately one million four hundred nineteen thousand eight hundred acres, as generally depicted on a map entitled "Mojave National Park Boundary—Proposed", dated May 17, 1994, which shall be on file and available for inspection in the appropriate offices of the Director of the National Park Service, Department of the Interior.*

*(b)(1) There is hereby established the Dinosaur Trackway Area of Critical Environmental Concern within the California Desert Conservation Area, of the Bureau of Land Management, comprising approximately five hundred and ninety acres as generally depicted on a map entitled "Dinosaur Trackway Area of Critical Environmental Concern", dated July 1993. The Secretary shall administer the area to preserve the paleontological resources within the area.*

*(2) Subject to valid existing rights, the Federal lands within and adjacent to the Dinosaur Trackway Area of Critical Environmental Concern, as generally depicted on a map entitled "Dinosaur Trackway Mineral Withdrawal Area", dated July 1993, are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto.*

*TRANSFER OF LANDS*

*SEC. 403. Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the maps described in section 402 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service. The boundaries of the public lands shall be adjusted accordingly.*

*MAPS AND LEGAL DESCRIPTION*

*SEC. 404. Within six months after the enactment of this title, the Secretary shall file maps and a legal description of the preserve designated under this title with the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives. Such maps and legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the maps referred to in section 402. The maps and legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.*

*ABOLISHMENT OF SCENIC AREA*

*SEC. 405. The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994), and modified on August 9, 1983 (48 FR 36210), is hereby abolished.*

*ADMINISTRATION OF LANDS*

*SEC. 406. (a) The Secretary shall administer the preserve in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).*

*(b) The Secretary shall permit hunting, fishing, and trapping on lands and waters within the preserve designated by this Act in accordance with applicable Federal and State laws except that the Secretary may designate areas where, and establish periods when, no hunting, fishing, or trapping will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. Except in emergencies, regulations closing areas to hunting, fishing, or trapping pursuant to this subsection shall be put into effect only after consultation with the appropriate State agency having responsibility for fish and wildlife. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the States with respect to fish and wildlife on Federal lands and waters covered by this title nor shall anything in this Act be construed as authorizing the Secretary concerned to require a Federal permit to hunt, fish, or trap on Federal lands and waters covered by this title.*

*WITHDRAWAL*

*SEC. 407. Subject to valid existing rights, Federal lands within the preserve, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.*

*STUDY AS TO VALIDITY OF MINING CLAIMS*

*SEC. 408 (a) The Secretary shall not approve any plan of operation prior to determining the validity of the unpatented mining claims, mill sites, and tunnel sites affected by such plan within the preserve and shall submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition*

*costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.*

*(b)(1) Notwithstanding any other provision of law, the Secretary of the Interior shall permit the holder or holders of mining claims identified on the records of the Bureau of Land Management as Volco #A CAMC 105446 and Volco #B CAMC 105447 to continue exploration and development activities on such claims for a period of two years after the date of enactment of this Act, subject to the same regulations as applied to such activities on such claims on the day before such date of enactment.*

*(2) At the end of the period specified in paragraph (1), or sooner if so requested by the holder or holders of the claims specified in such paragraph, the Secretary shall determine whether there has been a discovery of valuable minerals on such claims and whether, if such discovery had been made on or before July 1, 1994, such claims would have been valid as of such date under the mining laws of the United States in effect on such date.*

*(3) If the Secretary, pursuant to paragraph (2), makes an affirmative determination concerning the claims specified in paragraph (1), the holder or holders of such claims shall be permitted to continue to operate such claims subject only to such regulations as applied on July 1, 1994 to the exercise of valid existing rights on patented mining claims within a unit of the National Park System.*

*EXPLANATION.—This would allow the holder(s) of the specified claims to continue exploration activities for 2 years after enactment of the bill in order to attempt to prove up those claims. At the end of that period (or sooner if the holder(s) request), there would be a validity determination concerning those claims. If it is determined that the claims would have been deemed valid if the validity determination had taken place on or before July 1, 1994, the holder(s) will be permitted to continue to mine as if they were in operation on that date on a patented claim within a National Park System unit.*

*GRAZING*

*SEC. 409. (a) The privilege of grazing domestic livestock on lands within the preserve shall continue to be exercised at no more than the current level, subject to applicable laws and National Park Service regulations.*

*(b) If a person holding a grazing permit referred to in subsection (a) informs the Secretary that such permittee is willing to convey to the United States any base property with respect to which such permit was issued and to which such permittee holds title, the Secretary shall make the acquisition of such base property a priority as compared with the acquisition of other lands within the preserve, provided agreement can be reached concerning the terms and conditions of such acquisition. Any such base property which is located outside the preserve and acquired as a priority pursuant to this section shall be managed by the Federal agency responsible for the majority of the adjacent lands in accordance with the laws applicable to such adjacent lands.*

*UTILITY RIGHTS OF WAY*

*SEC. 410. (a)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities in such right-of-way, issued, granted, or permitted to Southern California Edison Company, its successors or assigns, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.*

*(2) Nothing in this title shall have the effect of prohibiting the upgrading of an existing electrical transmission line for the purpose of increasing the capacity of such transmission line in the Southern California Edison Company validly issued Eldorado-Lugo Transmission Line right-of-way and Mojave-Lugo Transmission Line right-of-way, or in a right-of-way if issued, granted, or permitted by the Secretary adjacent to the existing Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as "adjacent right-of-way"), including construction of a replacement transmission line: Provided, That—*

*(A) in the Eldorado-Lugo Transmission Line rights-of-way (hereafter in this section referred to as the "Eldorado rights-of-way") at no time shall there be more than three electrical transmission lines,*

*(B) in the Mojave-Lugo Transmission Line right-of-way (hereafter in this section referred to as the "Mojave right-of-way") and adjacent right-of-way, removal of the existing electrical transmission line and reclamation of the site shall be completed no later than three years after the date on which construction of the upgraded transmission line begins, after which time there may be only one electrical transmission line in the lands encompassed by Mojave right-of-way and adjacent right-of-way,*

*(C) if there are no more than two electrical transmission lines in the Eldorado rights-of-way, two electrical transmission lines in the lands encompassed by the Mojave right-of-way and adjacent right-of-way may be allowed,*

*(D) in the Eldorado rights-of-way and Mojave right-of-way no additional land shall be issued, granted, or permitted for such upgrade unless an addition would reduce the impacts to preserve resources,*

*(E) no more than 350 feet of additional land shall be issued, granted, or permitted for an adjacent right-of-way to the south of the Mojave right-of-way unless a greater addition would reduce the impacts to preserve resources, and*

*(F) such upgrade activities, including helicopter aided construction, shall be conducted in a manner which will minimize the impact on preserve resources.*

*(3) The Secretary shall prepare within 180 days after the date of enactment of this Act, in consultation with the Southern California Edison Company, plans for emergency access by the Southern California Edison Company to its rights-of-way.*

*(b)(1) Nothing in this title shall have the effect of terminating any validly issued right-of-way, or customary operation, maintenance, repair, and replacement activities in such right-of-way; prohibiting the upgrading of and construction on existing facilities in such right-of-way for the purpose of increasing the capacity of the existing pipeline; or prohibiting the renewal of such right-of-way issued, granted, or permitted to the Southern California Gas Company, its successors or assigns, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.*

*(2) The Secretary shall prepare within one hundred and eighty days after the date of enactment of this title, in consultation with the Southern California Gas Company, plans for emergency access by the Southern California Gas Company to its rights-of-way.*

*(c) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted for communications cables or lines, which are located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.*

*(d) Nothing in this title shall have the effect of terminating any validly issued right-of-way or customary operation, maintenance, repair, and replacement activities of existing facilities issued, granted, or permitted to Molybdenum Corporation of America; Molycorp, Incorporated; or Union Oil Company of California (d/b/a Unocal Corporation); or its successors or assigns, or prohibiting renewal of such right-of-way, which is located on lands included in the Mojave National Preserve, but outside lands designated as wilderness under section 501(3). Such activities shall be conducted in a manner which will minimize the impact on preserve resources.*

*PREPARATION OF MANAGEMENT PLAN*

*SEC. 411. Within three years after the date of enactment of this title, the Secretary shall submit to the Energy and Natural Resources Committee of the Senate and the Natural Resources Committee of the House of Representatives a detailed and comprehensive management plan for the preserve. Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the preserve. Any development, including road improvements, proposed by such plan shall be strictly limited to that which is essential and appropriate for the administration of the preserve and shall be designed and located so as to maintain the primitive nature of the area and to minimize the impairment of preserve resources or ecological values. To the extent practicable, administrative facilities, employee housing, commercial visitor services, accommodations, and other preserve-related development shall be located or provided for outside of the boundaries of the preserve. Such plan shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational, and scientific programs within the preserve. Such plan shall specifically address the needs of individuals with disabilities in the design of services, programs, accommodations and facilities consistent with section 504 of the Rehabilitation Act of 1973, Public Law 101-336, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101), and other appropriate laws and regulations.*

*GRANITE MOUNTAINS NATURAL RESERVE*

*SEC. 412. (a) There is hereby designated the Granite Mountains Natural Reserve within the preserve comprising approximately nine thousand acres as generally depicted on a map entitled "Mojave National Park Boundary and Wilderness—Proposed 6", dated May 1991.*

*(b) Upon enactment of this title, the Secretary of the Interior shall enter into a cooperative management agreement with the University of California for the purposes of managing the lands within the Granite Mountains Natural Reserve. Such cooperative agreement shall ensure continuation of arid lands research and educational activities of the University of California, consistent with the provisions of law generally applicable to units of the National Park System.*

*CONSTRUCTION OF VISITOR CENTER*

*SEC. 413. The Secretary is authorized to construct a visitor center in the preserve for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the preserve.*

*ACQUISITION OF LANDS*

*SEC. 414. The Secretary is authorized to acquire all lands and interest in lands within the boundary of the preserve by donation, purchase, or exchange, except that—*

*(1) any lands or interests therein within the boundary of the preserve which are owned by*

*the State of California, or any political subdivision thereof, may be acquired only by donation or exchange except for lands managed by the California State Lands Commission; and*

*(2) lands or interests therein within the boundary of the preserve which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secretary determines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the preserve or which is otherwise incompatible with the purposes of this title.*

*ACQUIRED LANDS BE MADE PART OF MOJAVE NATIONAL PRESERVE*

*SEC. 415. Any lands acquired by the Secretary under this title shall become part of the Mojave National Park.*

*MOJAVE NATIONAL PARK ADVISORY COMMISSION*

*SEC. 416. (a) The Secretary shall establish an Advisory Commission of no more than 15 Members, to advise the Secretary concerning the development and implementation of a new or revised comprehensive management plan for Death Valley National Park.*

*(b)(1) The advisory commission shall include an elected official for each County within which any part of the park is located, a representative of the owners of private properties located within or immediately adjacent to the park, and other members representing persons actively engaged in grazing and range management, mineral exploration and development, and persons with expertise in relevant fields, including geology, biology, ecology, law enforcement, and the protection and management of National Park resources and values.*

*(2) Vacancies in the Commission shall be filled by the Secretary so as to maintain the full diversity of views required to be represented on the Commission.*

*(c) The Federal Advisory Committee Act shall apply to the procedures and activities of the advisory commission.*

*(d) The advisory commission shall cease to exist ten years after the date of its establishment.*

*NO ADVERSE AFFECT ON LAND UNTIL ACQUIRED*

*SEC. 417. Unless and until acquired by the United States, no lands within the boundaries of wilderness areas or National Park System units designated or enlarged by this Act that are owned by any person or entity other than the United States shall be subject to any of the rules or regulations applicable solely to the Federal lands within such boundaries and may be used to the extent allowed by applicable law. Neither the location of such lands within such boundaries nor the possible acquisition of such lands by the United States shall constitute a bar to the otherwise lawful issuance of any Federal license or permit other than a license or permit related to activities governed by 16 U.S.C. 460l-22(c). Nothing in this section shall be construed as affecting the applicability of any provision of the Mining in the Parks Act (16 U.S.C. 1901 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), or regulations applicable to oil and gas development as set forth in 36 CFR 9B.*

*TITLE V—NATIONAL PARK WILDERNESS*

*DESIGNATION OF WILDERNESS*

*SEC. 501. The following lands are hereby designated as wilderness in accordance with the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:*

*(1) Death Valley National Park Wilderness, comprising approximately three million one hundred sixty-two thousand one hundred and thirty-eight acres, as generally depicted on 23 maps entitled "Death Valley National Park Boundary and Wilderness", numbered in the title one through twenty-three, and dated May 1994 or prior, and three maps entitled "Death Valley National Park Wilderness", numbered in the title one through three, and dated May 1994 or prior, and which shall be known as the Death Valley Wilderness.*

*(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred thirty-one thousand seven hundred and eighty acres, as generally depicted on four maps entitled "Joshua Tree National Park Boundary and Wilderness—Proposed", numbered in the title one through four, and dated October 1991 or prior, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567.*

*(3) Mojave National Preserve Wilderness, comprising approximately six hundred ninety-four thousand acres, as generally depicted on ten maps entitled "Mojave National Park Boundary and Wilderness—Proposed", numbered in the title one through ten, and dated May 1994 or prior, and seven maps entitled "Mojave National Park Wilderness—Proposed", numbered in the title one through seven, and dated May 1994 or prior, and which shall be known as the Mojave Wilderness.*

*(4) Upon cessation of all uses prohibited by the Wilderness Act and publication by the Secretary in the Federal Register of notice of such cessation, potential wilderness, comprising approximately six thousand eight hundred and forty acres, as described in "1988 Death Valley National Monument Draft General Management Plan Draft Environmental Impact Statement" (hereafter in this title referred to as "Draft Plan") and as generally depicted on a map in the Draft Plan entitled "Wilderness Plan Death Valley National Monument", dated January 1988, shall be deemed to be a part of the Death Valley Wilderness as designated in paragraph (1). Lands identified in the Draft Plan as potential wilderness shall be managed by the Secretary insofar as practicable as wilderness until such time as said lands are designated as wilderness.*

*FILING OF MAPS AND DESCRIPTIONS*

*SEC. 502. Maps and a legal description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the wilderness areas and legal descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such maps and descriptions.*

*ADMINISTRATION OF WILDERNESS AREAS*

*SEC. 503. The areas designated by section 501 of this title as wilderness shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provision to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.*

*TITLE VI—MISCELLANEOUS PROVISIONS*

*TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK*

*SEC. 601. Upon enactment of this title, the Secretary of the Interior shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on two maps entitled "Red Rock Canyon State Park Additions 1" and "Red Rock Canyon State Park Additions 2", dated May 1991, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State Park System, ownership of the lands shall revert to the Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.*

*DESERT LILY SANCTUARY*

*SEC. 602. (a) There is hereby established the Desert Lily Sanctuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.*

*(b) Subject to valid existing rights, Federal lands within the sanctuary, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.*

*LAND TENURE ADJUSTMENTS*

*SEC. 603. In preparing land tenure adjustment decisions within the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.*

*DISPOSAL PROHIBITION*

*SEC. 604. Notwithstanding any other provision of law, the Secretary of the Interior and the Secretary of Agriculture may not dispose of any lands within the boundaries of the wilderness, parks, or preserve designated under this Act or grant a right-of-way in any lands within the boundaries of the wilderness designated under this Act. Further, none of the lands within the boundaries of the wilderness, parks, or preserve designated under this Act shall be granted to or otherwise made available for use by the Metropolitan Water District and any other agencies or persons pursuant to the Boulder Canyon Project Act (43 U.S.C. 617-619b) or any similar Acts.*

*MANAGEMENT OF NEWLY ACQUIRED LANDS*

*SEC. 605. Any lands within the boundaries of a wilderness area designated under this Act which are acquired by the Federal Government shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of this Act and other laws applicable to such wilderness area.*

*NATIVE AMERICAN USES*

*SEC. 606. (a) In recognition of the past use of the parks, wilderness, and preserve areas designed under this Act by Indian people for traditional cultural and religious purposes, the Secretary shall ensure access to such parks, wilderness, and preserve areas by Indian people for such traditional cultural and religious purposes. In implementing this section, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of park, wilderness, or preserve areas*

*in order to protect the privacy of traditional cultural and religious activities in such areas by Indian people. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996) commonly referred to as the "American Indian Religious Freedom Act", and with respect to areas designated as wilderness, the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131).*

*(b)(1) The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area.*

*(2) Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources and the Committee on Indian Affairs of the Senate, and the Committee on Natural Resources of the House of Representatives on the results of the study conducted under paragraph (1).*

*WATER RIGHTS*

*SEC. 607. (a) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.*

*(b) The Secretary of the Interior and all other officers of the United States shall take all steps necessary to protect the rights reserved by this section, including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 560, 43 U.S.C. 666; commonly referred to as the McCarran Amendment).*

*(c) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.*

*(d) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated under this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpretation of any other Act or any designation made thereto.*

*(e) Nothing in this Act shall be construed to affect the operation of federally owned dams located on the Colorado River in the Lower Basin.*

*(f) Nothing in this Act shall be construed to amend, supersede, or preempt any State law, Federal law, interstate compact, or international treaty pertaining to the Colorado River (including its tributaries) in the Upper Basin, including, but not limited to the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those rivers.*

*(g) With respect to the Havasu and Imperial wilderness areas designated by section 111 of title I of this Act, no rights to water of the Colorado River are reserved, either expressly, impliedly, or otherwise.*

*STATE SCHOOL LANDS*

*SEC. 608. (a) Upon request of the California State Lands Commission (hereinafter in this section referred to as the "Commission"), the Secretary shall enter into negotiations for an agreement to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) for California State School Lands (hereinafter in this section referred to as "State School Lands") or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act. The Secretary shall negotiate in good faith to reach a land exchange agreement consistent with the requirements of section 206 of the Federal Land Policy and Management Act of 1976.*

*(b) Within six months after the date of enactment of this Act, the Secretary shall send to the Commission and to the Committees a list of the following:*

*(1) The State School Lands or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.*

*(2) Lands under the Secretary's jurisdiction to be offered for exchange, including in the following priority:*

*(A) Lands with mineral interests, including geothermal, which have the potential for commercial development but which are not currently under mineral lease or producing Federal mineral revenues.*

*(B) Federal lands in California managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.*

*(C) Any public lands in California that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.*

*(3) The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.*

*(c)(1) If an agreement under this section is for an exchange involving five thousand acres or less of Federal land or interests therein, or Federal lands valued at less than $5,000,000, the Secretary may carry out the exchange in accordance with the Federal Land Policy and Management Act of 1976.*

*(2) If an agreement under this section is for an exchange involving more than five thousand acres of Federal land or interests therein, or Federal land valued at more than $5,000,000, the agreement shall be submitted to the Committees, together with a report containing—*

*(A) a complete list and appraisal of the lands or interests in lands proposed for exchange; and*

*(B) a determination that the State School Lands proposed to be acquired by the United States do not contain any hazardous waste, toxic waste, or radioactive waste.*

*(d) An agreement submitted under subsection (c)(2) shall not take effect unless approved by a joint resolution enacted by the Congress.*

*(e) If exchanges of all of the State School Lands are not completed by October 1, 2004, the Secretary shall adjust the appraised value of any remaining inholdings consistent with the provisions of section 206 of the Federal Land Management Policy Act of 1976. The Secretary shall establish an account in the name of the Commission in the amount of such appraised value. Title to the State School Lands shall be transferred to the United States at the time such account is credited.*

*(f) The Commission may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. In the event that the balance in the account has not been reduced to zero by October 1, 2009, there are authorized to be appropriated to the Secretary for payment to the California State Lands Commission funds equivalent to the balance remaining in the account as of October 1, 2009.*

*(g) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.*

*EXCHANGES*

*SEC. 609. (a) Upon request of the holder of private lands (hereafter in this section referred to as the "landowner"), the Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein on the list referred to in subsection (b)(2) of this section for lands of the landowner or interests therein which are located within the boundaries of one or more of the wilderness areas or park units designated by this Act.*

*(b) Within six months after the date of enactment of this Act, the Secretary shall send to the landowner and to the Committees a report on the fulfillment of the obligations of the Secretary pursuant to section 12 of Public Law 94–204, as amended, and those Native American property accounts to be fulfilled through that public law by assignment and the proposed methods of fulfilling such obligations, and a list of the following:*

*(1) Lands of the landowner or interests therein (including mineral interests) which are located within the boundaries of the wilderness areas or park units designated by this Act.*

*(2) Lands under the Secretary's jurisdiction to be offered for exchange, in the following priority:*

*(A) Lands, including lands with mineral and geothermal interests, which have the potential for commercial development but which are not currently under lease or producing Federal revenues.*

*(B) Federal lands managed by the Bureau of Reclamation that the Secretary determines are not needed for any Bureau of Reclamation project.*

*(C) Any public lands that the Secretary, pursuant to the Federal Land Policy and Management Act of 1976, has determined to be suitable for disposal through exchange.*

*(3) The Secretary may exclude, in his discretion, lands located within, or contiguous to, the exterior boundaries of lands held in trust for a federally recognized Indian tribe located in the State of California.*

*(c)(1) If an agreement under this section is for (A) an exchange involving lands outside the State of California, (B) more than 5,000 acres of Federal land or interests therein in California, or (C) Federal lands in any State valued at more than $5,000,000, the Secretary shall provide to the Committees a detailed report of each such land exchange agreement.*

*(2) All land exchange agreements shall be consistent with the Federal Land Policy and Management Act of 1976.*

*(3) Any report submitted to the Committees under this subsection shall include the following:*

*(A) A complete list and appraisal of the lands or interests in land proposed for exchange.*

*(B) A complete list of the lands, if any, to be acquired by the United States which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law, together with the estimated costs of any such action.*

*(4) An agreement under this subsection shall not take effect unless approved by a joint resolution enacted by the Congress.*

*(d) The Secretary shall provide the California State Lands Commission with a one hundred eighty-day right of first refusal to exchange for any Federal lands or interests therein, located in the State of California, on the list referred to in subsection (b)(2). Any lands with respect to which a right of first refusal is not noticed within such period or exercised under this subsection shall be available to the landowner for exchange in accordance with this section.*

*(e) On January 3, 1999, the Secretary shall provide to the Committees a list and appraisal consistent with the Federal Land Policy and Management Act of 1976 of all private lands eligible for exchange under this section for which an exchange has not been completed and a list of the Native American property accounts that have not been fully utilized. With respect to any of such lands for which an exchange has not been completed by October 1, 2004 (hereafter in this section referred to as "remaining lands"), the Secretary shall establish an account in the name of each landowner (hereafter in this section referred to as the "exchange account"). Upon the transfer of title by the landowner to all or a portion of the remaining lands to the United States, the Secretary shall credit the exchange account in the amount of the appraised value of the transferred remaining lands at the time of such transfer.*

*(f) Upon 60-day written notice by the Secretary to the holders of the Native American property accounts that have not been fully utilized, the landowner may use the credit in its account to bid, as any other bidder, for excess or surplus Federal property to be sold in the State of California in accordance with the applicable laws and regulations of the Federal agency offering such property for sale. The account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales. Upon approval by the Secretary in writing, the credits in the landowner's exchange account may be transferred or sold in whole or in part by the landowner to any other party, thereby vesting such party with all the rights formerly held by the landowner. The exchange account shall be adjusted to reflect successful bids under this section or payments or forfeited deposits, penalties, or other costs assessed to the bidder in the course of such sales.*

*(g)(1) The Secretary shall not accept title pursuant to this section to any lands unless such title includes all right, title, and interest in and to the fee estate.*

*(2) Notwithstanding paragraph (1), the Secretary may accept title to any subsurface estate where the United States holds title to the surface estate.*

*(3) This subsection does not apply to easements and rights-of-way for utilities or roads.*

*(h) In no event shall the Secretary accept title under this section to lands which contain any hazardous waste, toxic waste, or radioactive waste which requires removal or remedial action under Federal or State law unless such remedial action has been completed prior to the transfer.*

*(i) For purposes of the section, any appraisal shall be consistent with the provisions of section 206 of the Federal Land Policy and Management Act of 1976.*

*(j) As used in this section, the term "Committees" means the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.*

## *TITLE VII—DEFINITIONS AND AUTHORIZATION OF APPROPRIATIONS*

### *DEFINITIONS*

*SEC. 701. For the purposes of this Act:*

*(1) The term "Secretary", unless specifically designated otherwise, means the Secretary of the Interior.*

*(2) The term "public lands" means any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management.*

### *AUTHORIZATION OF APPROPRIATIONS*

*SEC. 702. There are hereby authorized to be appropriated to the National Park Service and Bureau of Land Management to carry out the purposes of this Act an amount not to exceed $36,000,000 over and above. That provided in fiscal year 1994 for additional administrative and construction costs over the fiscal year 1995–1999 period and $300,000,000 for all land acquisition costs. No funds in excess of these amounts may be used for construction, administration, or land acquisition authorized under this Act without a specific authorization in an Act of Congress enacted after the date of enactment of this Act.*

## *TITLE VIII—CALIFORNIA MILITARY LANDS WITHDRAWAL*

### *SEC. 801. SHORT TITLE AND FINDINGS.*

*(a) SHORT TITLE.—This title may be cited as the "California Military Lands Withdrawal and Overflights Act of 1994".*

*(b) FINDINGS.—The Congress finds that—*

*(1) the Federal lands within the desert regions of California have provided essential opportunities for military training, research, and development for the Armed Forces of the United States and allied nations;*

*(2) alternative sites for military training and other military activities carried out on Federal lands in the California desert area are not readily available;*

*(3) while changing world conditions have lessened to some extent the immediacy of military threats to the national security of the United States and its allies, there remains a need for military training, research, and development activities of the types that have been carried out on Federal lands in the California desert area; and*

*(4) continuation of existing military training, research, and development activities, under appropriate terms and conditions, is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources and values of the Federal lands in the California desert area.*

### *SEC. 802. WITHDRAWALS.*

*(a) CHINA LAKE.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing laws). Such lands are reserved for use by the Secretary of the Navy for—*

*(A) use as a research, development, test, and evaluation laboratory;*

*(B) use as a range for air warfare weapons and weapon systems;*

*(C) use as a high hazard training area for aerial gunnery, rocketry, electronic warfare and countermeasures, tactical maneuvering and air support; and*

*(D) subject to the requirements of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.*

*(2) The lands referred to in paragraph (1) are the Federal lands, located within the boundaries of the China Lake Naval Weapons Center, comprising approximately 1,100,000 acres in Inyo, Kern, and San Bernardino Counties, California, as generally depicted on a map entitled "China Lake Naval Weapons Center Withdrawal—Proposed", dated January 1985, and filed in accordance with section 803.*

*(b) CHOCOLATE MOUNTAIN.—(1) Subject to valid existing rights and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—*

*(A) testing and training for aerial bombing, missile firing, tactical maneuvering and air support; and*

*(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.*

*(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 226,711 acres in Imperial County, California, as generally depicted on a map entitled "Chocolate Mountain Aerial Gunnery Range Proposed—Withdrawal" dated July 1993 and filed in accordance with section 803.*

*(c) EL CENTRO RANGES.—(1) Subject to valid existing rights, and except as otherwise provided in this title, the Federal lands referred to in paragraph (2), and all other areas within the boundaries of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws) but not the mineral or geothermal leasing laws. Such lands are reserved for use by the Secretary of the Navy for—*

*(A) defense-related purposes in accordance with the Memorandum of Understanding dated June 29, 1987, between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy; and*

*(B) subject to the provisions of section 804(f), other defense-related purposes consistent with the purposes specified in this paragraph.*

*(2) The lands referred to in paragraph (1) are the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted on a map entitled "Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa) dated March 1993 and a map entitled "Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)" dated March 1993.*

### *SEC. 803. MAPS AND LEGAL DESCRIPTIONS.*

*(a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of enactment of this title, the Secretary of the Interior shall—*

*(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and*

*(2) file maps and the legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Natural Resources of the United States House of Representatives.*

*(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.*

*(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the Office of the Director of the Bureau of Land Management, Washington, District of Columbia; the Office of the Director, California State Office of the Bureau of Land Management, Sacramento, California; the office of the commander of the Naval Weapons Center, China Lake, California; the office of the commanding officer, Marine Corps Air Station, Yuma, Arizona; and the Office of the Secretary of Defense, Washington, District of Columbia.*

*(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing this section.*

### *SEC. 804. MANAGEMENT OF WITHDRAWN LANDS.*

*(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) Except as provided in subsection*

*(g), during the period of the withdrawal the Secretary of the Interior shall manage the lands withdrawn under section 802 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act.*

*(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn under section 802 may be managed in a manner permitting—*

*(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of enactment of this title;*

*(B) protection of wildlife and wildlife habitat;*

*(C) control of predatory and other animals;*

*(D) recreation (but only on lands withdrawn by section 802(a) (relating to China Lake));*

*(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and*

*(F) geothermal leasing and development and related power production activities on the lands withdrawn under section 802(a) (relating to China Lake).*

*(3)(A) All nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.*

*(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the Navy.*

*(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.*

*(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection.*

*(3) Before and during any closure under this subsection, the Secretary of the Navy shall—*

*(A) keep appropriate warning notices posted; and*

*(B) take appropriate steps to notify the public concerning such closures.*

*(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the Navy) shall develop a plan for the management of each area withdrawn under section 802 during the period of such withdrawal. Each plan shall—*

*(1) be consistent with applicable law;*

*(2) be subject to conditions and restrictions specified in subsection (a)(3);*

*(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and*

*(4) be developed not later than three years after the date of enactment of this title.*

*(d) BRUSH AND RANGE FIRES.—The Secretary of the Navy shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn under section 802 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires. The memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Navy to the Bureau of Land Management as compensation for such assistance.*

*(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the Navy shall (with respect to each land withdrawal under section 802) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn under section 802 if requested by the Secretary of the Navy.*

*(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 802.*

*(f) ADDITIONAL MILITARY USES.—(1) Lands withdrawn by section 802 may be used for defense-related uses other than those specified in such section. The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this title will be used for defense-related purposes other than those specified in section 802. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the withdrawn land or portions thereof.*

*(g) MANAGEMENT OF CHINA LAKE.—(1) The Secretary of the Interior may assign the management responsibility for the lands withdrawn under section 802(a) to the Secretary of the Navy who shall manage such lands, and issue leases, easements, rights-of-way, and other authorizations, in accordance with this title and cooperative management arrangements between the Secretary of the Interior and the Secretary of the Navy. In the case that the Secretary of the Interior assigns such management responsibility to the Secretary of the Navy before the development of the management plan under subsection (c), the Secretary of the Navy (after consultation with the Secretary of the Interior) shall develop such management plan. Nothing in this title shall affect geothermal leases issued by the Secretary of the Interior prior to the date of enactment of this title or the responsibility of the Secretary to administer and manage such leases consistent with the provisions of this title.*

*(2) The Secretary of the Interior shall be responsible for the issuance of any lease, easement, right-of-way, and other authorization with respect to any activity which involves both the lands withdrawn under section 802(a) and any other lands. Any such authorization shall be issued only with the consent of the Secretary of the Navy and, to the extent that such activity involves lands withdrawn under section 802(a), shall be subject to such conditions as the Secretary of the Navy may prescribe.*

*(3) The Secretary of the Navy shall prepare and submit to the Secretary of the Interior an annual report on the status of the natural and cultural resources and values of the lands withdrawn under section 802(a). The Secretary of the Interior shall transmit such report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.*

*(4) The Secretary of the Navy shall be responsible for the management of wild horses and burros located on the lands withdrawn under section 802(a) and may utilize helicopters and motorized vehicles for such purposes. Such management shall be in accordance with laws applicable to such management on public lands and with an appropriate memorandum of understanding between the Secretary of the Interior and the Secretary of the Navy.*

*(5) Neither this Act nor any other provision of law shall be construed to prohibit the Secretary of the Interior from issuing and administering any lease for the development and utilization of geothermal steam and associated geothermal resources on the lands withdrawn under section 802(a) pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) and other applicable law, but no such lease shall be issued without the concurrence of the Secretary of the Navy.*

*(6) This title shall not affect the geothermal exploration and development authority of the Secretary of the Navy under section 2689 of title 10, United States Code, except that the Secretary of the Navy shall obtain the concurrence of the Secretary of the Interior before taking action under that section with respect to the lands withdrawn under section 802(a).*

*(7) Upon the expiration of the withdrawal made by subsection (a) of section 802 or relinquishment of the lands withdrawn by that subsection, Navy contracts for the development of geothermal resources at China Lake then in effect (including amendments or renewals by the Navy after the date of enactment of this Act) shall remain in effect: Provided, That the Secretary of the Interior, with the consent of the Secretary of the Navy, may offer to substitute a standard geothermal lease for any such contract.*

*(h) MANAGEMENT OF EL CENTRO RANGES.—To the extent consistent with this title, the lands and minerals within the areas described in section 802(c) shall be managed in accordance with the Cooperative Agreement entered into between the Bureau of Land Management, Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987.*

***SEC. 805. DURATION OF WITHDRAWALS.***

*(a) DURATION.—The withdrawal and reservation established by this title shall terminate 15 years after the date of enactment of this Act.*

*(b) DRAFT ENVIRONMENTAL IMPACT STATEMENT.—No later than 12 years after the date of enactment of this Act, the Secretary of the Navy shall publish a draft environmental impact statement concerning continued or renewed withdrawal of any portion of the lands withdrawn by this title for which that Secretary intends to seek such continued or renewed withdrawal. Such draft environmental impact statement shall be consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to such a draft environmental impact statement. Prior to the termination date specified in subsection (a), the Secretary of the Navy shall hold a public hearing on any draft environmental impact statement published pursuant to this subsection. Such hearing shall be held in the State of California in order to receive public comments on the alternatives and other matters included in such draft environmental impact statement.*

*(c) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.*

***SEC. 806. ONGOING DECONTAMINATION.***

*(a) PROGRAM.—Throughout the duration of the withdrawals made by this title, the Secretary of the Navy, to the extent funds are made available, shall maintain a program of decontamination of lands withdrawn by this title at least at the level of decontamination activities performed on such lands in fiscal year 1986.*

*(b) REPORTS.—At the same time as the President transmits to the Congress the President's proposed budget for the first fiscal year beginning after the date of enactment of this Act and for each subsequent fiscal year, the Secretary of the Navy shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and to the Committees on Appropriations, Armed Services, and Natural Resources of the House of Representatives a description of the decontamination efforts undertaken during the previous fiscal year on such lands and the decontamination activities proposed for such lands during the next fiscal year including:*

*(1) amounts appropriated and obligated or expended for decontamination of such lands;*

*(2) the methods used to decontaminate such lands;*

*(3) amount and types of contaminants removed from such lands;*

*(4) estimated types and amounts of residual contamination on such lands; and*

*(5) an estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.*

***SEC. 807. REQUIREMENTS FOR RENEWAL.***

*(a) NOTICE AND FILING.—(1) No later than three years prior to the termination of the withdrawal and reservation established by this title, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Secretary of the Navy will have a continuing military need for any of the lands withdrawn under section 802 after the termination date of such withdrawal and reservation.*

*(2) If the Secretary of the Navy concludes that there will be a continuing military need for any of such lands after the termination date, the Secretary shall file an application for extension of the withdrawal and reservation of such needed lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals of lands for military uses.*

*(3) If, during the period of withdrawal and reservation, the Secretary of the Navy decides to relinquish all or any of the lands withdrawn and reserved by this title, the Secretary shall file a notice of intention to relinquish with the Secretary of the Interior.*

*(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the Department of Navy, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.*

*(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.*

*(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.*

*(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Navy, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws, the Secretary of the Navy shall decontaminate the land to the extent that funds are appropriated for such purpose.*

*(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.*

*(e) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this title which have been proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—*

*(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;*

*(2) after the expiration of the withdrawal, the Secretary of the Navy shall undertake no activities on such lands except in connection with decontamination of such lands; and*

*(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of this subsection.*

*(f) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), is authorized to revoke the withdrawal and reservation established by this title as it applies to such lands. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—*

*(1) terminate the withdrawal and reservation;*

*(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and*

*(3) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.*

***SEC. 808. DELEGABILITY.***

*(a) DEFENSE.—The functions of the Secretary of Defense or the Secretary of the Navy under this title may be delegated.*

*(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 807(f) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.*

***SEC. 809. HUNTING, FISHING, AND TRAPPING.***

*All hunting, fishing, and trapping on the lands withdrawn by this title shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.*

***SEC. 810. IMMUNITY OF UNITED STATES.***

*The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injury or damage to persons or property suffered in the course of any geothermal leasing or other authorized nonmilitary activity conducted on lands described in section 802 of this title.*

***SEC. 811. MILITARY OVERFLIGHTS.***

*(a) EFFECT OF ACT.—(1) Nothing in this Act shall be construed to—*

*(A) restrict or preclude continuation of low-level military overflights, including those on existing flight training routes; or*

*(B) affect the designation of new units of special airspace or the establishment of new flight training routes over the lands designated by this Act for inclusion within new or expanded units of the National Park System or National Wilderness Preservation System.*

*(2) Nothing in this Act shall be construed as requiring revision of existing policies or procedures applicable to the designation of units of special airspace or the establishment of flight training routes over any Federal lands affected by this Act.*

*(b) MONITORING.—The Secretary of the Interior and the Secretary of Defense shall monitor the effects of military overflights on the resources and values of the units of the National Park System and National Wilderness Preservation System designated or expanded by this Act, and shall attempt, consistent with national security needs, to resolve concerns related to such overflights and to avoid or minimize adverse impacts on resources and values and visitor safety associated with such overflight activities.*

***SEC. 812. TERMINATION OF PRIOR RECLAMATION WITHDRAWALS.***

*Except to the extent that existing Bureau of Reclamation withdrawals of public lands were identified for continuation in Federal Register Notice Document 92-4838 (57 Federal Register 7599, March 3, 1992), as amended by Federal Register Correction Notices (57 Federal Register 19135, May 4, 1992; 57 Federal Register 19163, May 4, 1992; and 58 Federal Register 30181, May 26, 1993), all existing Bureau of Reclamation withdrawals made by Secretarial Orders and Public Land Orders affecting public lands and Indian lands located within the California Desert Conservation Area established pursuant to section 601 of the Federal Land Policy and Management Act of 1976 are hereby terminated.*

***TITLE IX—BUY AMERICAN ACT***

***SEC. 901. COMPLIANCE WITH BUY AMERICAN ACT.***

*None of the funds made available in this Act may be expended in violation of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act"), which are applicable to those funds.*

Amend the title so as to read: "An Act to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes.".

The SPEAKER pro tempore (Mr. SWIFT). The question is on the motion offered by the gentleman from California [Mr. MILLER].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 518) was laid on the table.

## PERSONAL EXPLANATION

### HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, August 3, 1994*

Mr. NUSSLE. Mr. Speaker, on Wednesday, July 27, I missed the vote on final passage of the California Desert Protection Act—Roll Call Vote No. 357. I would like to take this opportunity to express my opposition to this measure. While I believe the California deserts are a national treasure, I believe H.R. 518 is fundamentally flawed because it grants the Federal Government complete control of millions of acres of land without regard for private property owners rights. Had my vote been recorded, it would have been recorded as "nay."

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 518 and S. 21.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF S. 21, CALIFORNIA DESERT PROTECTION ACT OF 1994

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that in the enrollment of S. 21, as amended by the House, the enrolling clerk be authorized to correct section numbers, correct cross-references, and make any other necessary or appropriate technical or conforming changes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4675

Mr. LEWIS of Florida. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4675.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL EXPLANATION

Ms. NORTON. Mr. Speaker, on rollcall No. 356, I was detained, I had a matter in the Senate, ran over here, did not get over here in time. It was a motion to limit debate on the bill and on all amendments, rollcall No. 356. If I had been here, I would have voted "aye."

CHILD SUPPORT ENFORCEMENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I just wanted to advise the House that one of the things that the Congresswoman are working so hard on has now moved forward one step and we are very pleased about that; that is, child support enforcement.

I want to really acknowledge the gentlewoman from the District of Columbia [Ms. NORTON] because she kicked out the whole part on Federal employment. What that part says is that people who are in arrears in child support cannot get Federal jobs or Federal benefits without showing a plan and committing to that plan as to how they are going to pay that arrearage.

□ 1400

I think Americans are ready for people to start taking responsibility for their own children. When we see that over $34 billion a year in child support is not collected, everybody is saying we have to do everything we can.

The Comprehensive Child Support Enforcement Act of 1994 will do this. We have spent 3 years trying to figure out how to do this, and I think it is wonderful that the gentlewoman from the District of Columbia [Ms. NORTON] was the first to report this out. We hope that every other committee in the House will get this out, and we can do some welfare prevention around here and try to do everything we can to hold America's children economically harmless when the family comes apart.

So I challenge all of the rest of the committees to catch up with the Committee on Post Office and Civil Service.

EXPEDITING RETURN OF AMERICAN CHILDREN TO THE UNITED STATES FROM JORDAN

(Mr. KLEIN asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore (Mr. HINCHEY). Without objection, the gentleman from New Jersey is recognized for 1 minute.

There was no objection.

Mr. KLEIN. Mr. Speaker, I come here to the floor today to publicly urge the King Hussein of Jordan to do all in his power to expedite the return of two young children to their home in the United States.

Several weeks ago, there was a horrible murder in my home State of New Jersey. Mohammed Abequa brutally strangled his wife and fled to Jordan with their two young children. Jordanian officials have detained Mr. Abequa, but my concern today is not with the process of his extradition, but with the well-being of these two young children.

These children are American born and American citizens. Their murdered mother served 4 years in the U.S. Army. She loved this country and wanted her children to grow up in the United States. Her life and memory should be honored by the return of her children to their native land.

Their mother's sister, Ms. Nesimeh Dokur, has been granted legal guardianship of the children by the U.S. courts. I have pledged to her that I will do all in my power to bring about the swift return of the children.

Yesterday, I had the pleasure of speaking with the King following yesterday's historic joint session of Congress. I would like to thank the King for his encouragement and expression of sympathy and urge him to help arrange the prompt return.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRAGIC INTENTIONAL SINKING OF REFUGEE FILLED TUGBOAT OFF CUBAN COAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I come before the House this afternoon, just like my colleagues, LINCOLN DIAZ-BALART, BOB MENENDEZ, BOB DORNAN, and DAN BURTON did before me, to bring to the public's attention an incident which has been inconceivably hidden from the American public, by most of the international press. I refer to the recent sinking by the Castro regime of a tugboat filled with over 70 Cuban refugees attempting to flee the island.

Mr. Speaker, our community in south Florida has been stunned by this great tragedy. Although we are accustomed to expecting the cruelest and most barbaric acts by the Castro regime, this incident ranks among the most inhumane and the most monstrous the regime has committed in its 35 years of totalitarian rule.

Some might not believe the gory details. A tugboat filled with over 70 passengers was allowed, on purpose, to sail 7 miles from the coast, and then was mercilessly attacked with water cannons and rammed continuously by the Castro regime until the tugboat was split in half.

Fathers and mothers held up their sons and daughters up to full view in hopes of arising some feelings of compassion from Castro's thugs. But to no avail. After ramming and attacking the boat, survivors have reported that the Cuban vessels sailed in circles around the damaged tugboat so as to create a whirlpool effect that would lead to the slow death of the Cuban refugees in the ocean.

But, Mr. Speaker, the obvious incompassion of the regime does not stop here. The regime is actually blaming this barbaric incident on the United States. Yesterday, during a speech given by Fidel's brother, Raul Castro, the regime did exactly this. Among his most incredible statements were: "The lives lost on the bottom of the sea have to be blamed first of all on the United States and their permanent aggressive attitude against our country * * *." Raul Castro then went on to say that the pursuing Cuban boats were just trying to deter the refugee vessel from making what he called a "death trip." Unbelievable, Mr. Speaker.

As usual, the facts do not mean anything for the Communist regime. Although it was not the United States

who rammed the boat, it was not the United States who shot water cannons at the boat, nor was it the United States who purposely aided in the acceleration of the Cuban refugees drowning, yet somehow, in some way, this incident, according to the Castro regime, was the fault of the United States.

As the old saying goes, Mr. Speaker, if this were not so tragic it would be ironically funny. But the oppression and complete disregard for human rights against the Cuban people has been occurring in Cuba for the past 35 years.

Yet, as the cameras of the world and the international community's eyes are on the human rights violations in other spots on the globe, those violations which occur in Cuba are somehow forgotten or, worst yet, ignored. The Cuban people's misery is allowed to go unreported. Instead, we find stories in major newspapers, as my colleague DIAZ-BALART pointed out last night, of Cuba's tourism attractions or about the so-called reforms the regime seeks to implement.

Yet some voices clamor for the acceptance of Castro and his bloody regime through the implementation of relations with the regime. Some voices incessantly blame all that is wrong in Cuba on the United States embargo. I bet they're still trying to come up with a new excuse to explain this latest incident by the regime against the Cuban people.

We are tired of excuses; the Cuban people are tired of excuses. It is time for all those who have made up excuses for Castro, and those who lobby for the lifting of the United States embargo on Cuba, to wake up and listen to the voices of desperation of the Cuban people. Castro will not reform; Castro will not change his ways. Castro is only interested in maintaining himself in power without regard to anything or anybody.

In this day and age, Mr. Speaker, when freedom is apparently sweeping the globe, some forget that there are still regimes which put a very small price on the life of its citizens. The Castro regime has and still continues to embody this evil.

But let it be known that we will continue our struggle for democracy in Cuba. We will continue to actively condemn the human rights violation of the regime and the lack of freedom on the island. The Cuban people will not forget, either.

As one of Cuba's greatest sons, Jose Marti, once said, "Ver un crimen en silencio, es cometerlo."—"To witness a crime in silence, is to commit it".

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□ 1410

## THE 50TH ANNIVERSARY OF THE WARSAW UPRISING

The SPEAKER pro tempore (Mr. HINCHEY). Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise tonight to pay tribute to the courageous people of Poland on their upcoming 50th anniversary of the Warsaw uprising. This is the third in a series of special orders I will give this week to bring attention to this event. I will continue this evening by reading to the membership, excerpts from the book, "Forgotten Holocaust: The Poles Under German Occupation, 1939-1944," by Richard Lucas.

August 5.—The German counterattack began with a massive assault by the Luftwaffe, which dropped incendiary bombs.

Between ground and air action, houses were systematically leveled on both sides of the street, barricades were destroyed, and the entire area became an inferno.

Kaminski's unit, which began its assault at a more leisurely 9:30 a.m. on August 5, only advanced 300 yards. One reason for the slow progress of its attack stemmed from stubborn Polish defenders who were hopelessly outmanned and outarmed. Another reason, however, was the degeneration of the Kaminski counterattack into an orgy of murdering, looting and raping—converting men into a mob of marauders more akin to Attila's hordes than to soldiers of a modern disciplined army.

Most of the responsibility for the crimes in Warsaw has been leveled against the infamous Dirlewanger Brigade and the Russians in Kaminski's Brigade. Though this was true to a large extent, there were also regular, SS, and police formations who were involved in the degraded activities of these early August days.

Oskar Dirlewanger was one of those degenerates who, in saner days, would have been court-martialed out of the German army. Born in Wuerzberg in 1895, he served in the German army in World War I, after which he went on to earn a doctorate in economics. Though intelligent, he was a liar, an alcoholic and a pervert who molested children. Convicted of a sexual assault upon a minor in 1935, he spent two years in prison. When released, he was arrested again on the same charge, but thanks to his mentor, Gottlob Berger, an SS general, he was released and served with the Condor Legion in Spain. In July 1940, he took over a unit of game poachers. Later, the group swelled to battalion strength and was sent to fight Polish partisans as the SS Special battalion Dirlewanger. He was a sadist who treated his own men as brutally as he treated the Poles. Beating them with clubs to maintain discipline was not uncommon. He even casually shot men he did not like. Little wonder that many of his soldiers deserted to the Russians when they had a chance. After 1942, hardened criminals were drafted into his unit, which gave and expected no quarter from the enemy.

Another criminal, Mieczystaw Kaminski, commanded an SS brigade bearing his name, though he dubbed it the "Russian Popular Army of Liberation." He was brought up a Russian, although his father was Polish and his mother German. Kaminski spent years in a Soviet labor camp and like most of them lived and worked in horrible conditions. He vowed never to return to one again. For a time, Soviet authorities forced him to live in exile in Lokot, near Briansk. Being a resourceful fellow, he became mayor of the city, and from that point on his career skyrocketed.

In return for providing the Nazis with food requisitions and maintaining the area against the Soviet partisans, Kaminski established a virtual dictatorship over Lokot.

The clever Kaminski cultivated his own popularity by pandering to the peoples' anti-Soviet feeling, allowing his soldiers freedom to loot and granting rapid promotion to anyone he liked.

The number of non-German operating in the SS and police units was very large: Byelorussian and Ukrainians, for example, continued more than fifty percent of some of them.

The Kaminski and Dirlewanger brigades have the dubious distinction of perpetuating the worst crimes of any units in Warsaw.

What transpired in Wola and Ochota, the western and southwestern districts of Warsaw, during the early days of August must be considered one of the most horrendous tragedies in a tragedy-filled war. On August 5 alone, 10,000 civilians were murdered.

The tragedy for Wola began in the morning of August 4, when Alexandra Kreczkiewicz and 500 of her neighbors of Gorszewska Street were ordered to evacuate their apartments. Children and women cried. Several people were shot at the exit of the building. It was like the Jewish ghetto all over again. The Germans drove Kreczkiewicz and her friends to a potato field where everyone was told to lie down to lessen the chance for escape. A few moments later the group was told to get up, and it was driven to a nearby bridge. "There was no doubt about our fate," Kreczkiewicz related.

When one woman asked where they were being taken, the grim answer came, "German women and children are perishing by your fault; therefore, all of you must perish." The SS men divided the people into ranks and one contingent of 70 people was separated and ordered to go behind the bridge. The remaining group, including Kreczkiewicz, was ordered against the wall between the barbed wire. Soon shots rang out. People died. "At a distance of five meters in front of us," she said, "one of the henchmen, very quietly loaded his machine gun; another was preparing his camera; they wanted to prolong the execution . . . I fell down wounded and lost consciousness."

When she recovered her senses, Kreczkiewicz feigned death. The Germans left a guard over the corpses while they burned the houses in the neighborhood. Scorched by the heat and almost suffocated by the smoke, she thought of how to get out of the hell in which she found herself. She crawled behind a basket of potatoes and inched her way forward when suddenly a cloud of smoke obscured the guard's vision of the area. She quickly got up and ran to a cellar of a house that was on fire. She met a few wounded people who were fortunate enough to have escaped from the pile of corpses. Despite the heat and smoke, the determined group of survivors tunneled their way to a nearby house untouched by fire. They were safe.

The slaughter continued the next day in Wola. Between 11:00 AM and noon, the Germans ordered everyone out of building No. 18 Dzialdowska Street. A pregnant woman with three children was one of the last to leave the cellar where she had been hiding, hoping to spare herself and her family. The Germans escorted the inhabitants of the house to the Ursus factory on the corner of the Wolska and Skierniewicka streets. There, in the factory yard, mass executions took place. The

people who stood at the entrance were pushed inside in groups of twenty. A twelve-year-old boy, seeing the bodies of his parents and a little brother through the half-opened door, went hysterical. German soldiers promptly beat him.

Everyone knew what awaited them there. And the agonizing thing was the realization they could neither escape nor buy their lives. The pregnant woman came in last and hovered deliberately in the background, frantically hoping the SS would not kill someone who was about to have a baby. But such considerations did not apply to people like Kaminski's and Dirlewanger's men. They pushed her into the courtyard where she saw heaps of corpses at least three feet high. Bodies were everywhere. Then the Germans pushed her into a second, inner courtyard with a group of twenty people, many of whom were young children not much older than ten and twelve. There was a paralyzed old woman whose son-in-law had been carrying her all the time on his back. Her daughter was at her side. The Germans murdered the entire family. The old lady was literally killed on her son-in-law's back, and he along with her.

The Germans called out the people in groups of four and led them to the end of the second yard where there was a pile of bodies. There the Germans shot them through the back of their heads with revolvers. No sooner had one group been murdered than another group was escorted to the pile of corpses and liquidated. People screamed, begged for mercy, cried and even attempted to escape.

The pregnant woman was in the last group of four. She begged the German soldiers to save her and her children, offering a large amount of gold to them to spare their lives. After they took the gold, she breathed easier, only to find that the officer supervising the execution would not allow her to go free. She and her children were pushed toward the place of execution, where she held her two younger children by one hand and the elder boy by the other. The children were crying and praying. Seeing the mass of bodies the elder boy cried out, "They are going to kill us!" The first shot hit him, the second one the mother, and the next two killed the younger children. The mother fell to one side. The shot was not fatal; the bullet had penetrated the back of her head on the right side and gone through her cheek. She spat out several teeth, her body grew numb. But she was conscious and aware of the horror going on around her. There she lay as other men, women, and children were executed, their bodies falling on her. Late in the day when the orgy of executions finally stopped, she was able to crawl to safety.

The SS booted Maria Bukowska out of her home, which was burned. She, along with several hundred other women of the area, were pushed down the street. Anyone who looked back was immediately beaten. Kaminski's men took watches and jewelry from hapless women, who were allowed to carry suitcases a while longer. When the crowd reached the central market, even these items were taken from them and thrown on lorries which were quickly driven away. Then a car with SS officers drove up. The men ogled several pretty girls in the crowd and promptly seized them. The victims ended up in a church, used as a temporary detention center, where the SS took away the remainder of the belongings. All the young girls, some no more than twelve or thirteen, were left behind for the amusement of the men while the older women were put on a train for Pruszkow, the camp set up by Bach-Zewelski to receive Polish civilians.

The SS also followed a pattern of murdering, looting and raping in Ochota, another western district of the city. On August 4, 50 of Kaminski's mob surrounded some houses on Grojecka Street. Under the pretext of looking for arms, they looted homes and then took 160 unarmed men, including twelve-year-olds, led them into a cellar, and shot them in the backs of their heads. They poured gasoline over the corpses, then threw grenades. The SS repeated the same grisly exhibition early the next morning at another house, this time killing 40 men and boys. The same morning on another street, Kaminski's men kicked 40 people into a cellar and machine gunned everyone. Only three survived.

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## EXPRESSING DEEP ANGER AT ILLEGAL SEIZURE OF AMERICAN SCALLOPERS BY THE GOVERNMENT OF CANADA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to express the very deep anger that I and many of my colleagues feel at the illegal seizure by the Government of Canada of some American scallopers in international waters.

The fishermen of the Northeast, particularly of New Bedford, which I represent, are among the hardest-working, most dedicated people I have ever met. They have fallen on difficult economic times, because they have done their job too well. They have caught too many fish, too many scallops, according to the calculations.

We are all working together to try to alleviate the distress in that situation by a variety of ways. One of the things people have done is to go into international waters, fully in conformance with the laws of the United States which cover them as U.S. citizens, to find new sources. The Canadian Government and the American Government have a difference of opinion about certain technical aspects of the scallops there, and the Canadian Government has now decided unilaterally to resort to the use of force and has physically seized in international waters law-abiding, peaceful Americans who were fully in compliance with the laws of our country.

I am pleased that, after hearing from myself and others, the State Department has officially protested. I am pleased that the chairman of the Committee on Merchant Marine and Fisheries, the greatest expert on maritime issues, I believe, in this Congress, my colleague, the gentleman from Massachusetts [Mr. STUDDS], has joined us in this, and the Senators from our State are also joining us as well as others, I believe, because the Canadian Government simply must not be allowed unilaterally to go to war with unarmed Americans.

Now, many of us have argued that we should be pushing more for the rule of law in the world, that unrestrained unilateral force is not the way to solve legitimate disputes. The Canadian Government has simply repudiated that view. They have used force unilaterally against Americans, and I want to stress this, Americans who are violating no law which those Americans are bound to obey. They are not violating American law, and they were in international waters.

If Canada wishes to negotiate this, I hope we will. We have questions involving the Hague Line, the demarcation line between Canadian and American territorial waters, where the people I represent believe, with good reason, that has worked out much more harshly toward them than had once been anticipated. Perhaps there could be a reopening of that and renegotiation, taking into account various factors. All of those things could be discussed if we were discussing them.

But for the Canadians unilaterally to send ships in and seize lawful American ships is unacceptable, and the State Department must continue its very vigorous project.

And I will add, for a country which just urged us to ratify NAFTA, Canada is a full participant and beneficiary from NAFTA, for them within a few months to resort to unilateral force against Americans who are guilty of no crime except trying to earn their living in a difficult manner clearly belies the spirit we were told would be ushered in by NAFTA.

I can tell you, as a Member of Congress, Mr. Speaker, and I know I am not alone here, that I will feel very disinclined to cooperate with matters of importance to the Government of Canada and the economy of Canada so long as they are maintaining this policy of illegal seizure of Americans.

□ 1420

There are a number of issues where the Canadian Government has expressed its opinion. We have all got letters from time to time. The Canadian Embassy in fact is the first Embassy to move itself nearer Congress. Most of the other Embassies are up by the State Department, further up, downtown. The Canadian Embassy moved toward Congress, a few blocks away, because they recognize the importance, apparently, of good relations with Congress.

They have made a serious mistake by preying on these American ships if they think that is the way to get along with the Congress. I will tell you as a Member of Congress, as a member of the Committee on Banking, Finance and Urban Affairs, as a member of the Committee on the Judiciary, I will be doing everything I can, working with my colleagues, many of whom feel the same way, to let the Canadians know that cooperation must be a two-way street or a two-way ocean. They cannot

use force unilaterally against us and expect cooperation and conciliation here in the House.

I will continue to do everything I can to push the executive branch into the firmest possible action and to adopt policies here in the Congress which protect innocent, law-abiding Americans from this use of force.

Canada has made an error. It can correct that error by releasing these people, reimbursing them for the costs unfairly imposed upon them, release their boats and dealing with this in a civilized and internationally lawful way.

I will continue to insist that that be the way we do it.

## PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4453, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1995

Ms. KAPTUR. I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The SPEAKER pro tempore (Mr. HINCHEY). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

## HEALTH CARE REFORM: PIZZA HUT, McDONALD'S, AND THE FAST-FOOD INDUSTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes as the designee of the majority leader.

Mr. WISE. Mr. Speaker, I am joined by Ms. DELAURO in taking out this special order today. The gentlewoman from Connecticut and I want to talk some about something that I know both of us enjoy a lot, in fact I believe every American does, and that is pizza, certainly one of America's most common meals.

But in enjoying pizza, we need to know something, that while it might not be the best for preventive medicine or preventive health, it is still very enjoyable to eat, of course, the problem with pizza is that it often does not provide for health, provide for health care.

So in talking about pizza—incidentally, I note with interest that during the health care debate for some reason I have become the expert about health care and pizza, mainly because the first claims made by Godfather's Pizza and then the study that came out in the health care reform project about the practices of Pizza Hut in purchasing health care, that I have chosen to focus on pizza and the fast-food industry and pizza particularly.

Now, I think in pizza—always, of course, subject to a good pie chart—I think in pizza there is often told the story of health care because pizza reflects what is often said about health care and it also reflects what is not true about health care.

So I am going to be quoting extensively during this discussion from the health care reform project study as well as some of my own analyses.

First of all, what the health care reform project looked at was the practices of Pizza Hut and McDonald's, two of our largest fast-food producers, and how they were treated in other countries. And what they found was that in four other nations where both these companies serve, that they paid health care costs. Why? Because the Governments require them to.

There is a concept of shared responsibility, the employer and employee are expected to contribute to health care, and the goal is to have everyone with guaranteed private insurance that cannot be taken away.

So the health care reform project looked at Belgium, Germany, Japan, and the Netherlands. What they found out was that Pizza Hut—doing quite well in those countries as it is, I might add, in the United States—what they found out was that in those nations, that these companies, Pizza Hut and McDonald's, paid for health care insurance because the Government requires them to. They do not pay in the same way in the United States.

And yet they argue that if they are forced to pay in the United States, that somehow this is going to cause the loss of tens of thousands of jobs. I think it is worth looking at some of the claims that Pizza Hut and McDonald's make.

Incidentally, as I get to that, I am not necessarily singling out Pizza Hut or McDonald's. I happen to be a patron, my family and I are patrons of both. We like the breadsticks, which come a little slowly to the table, but otherwise it is a pretty good pizza.

But what we do not appreciate is the fact that those who work in Pizza Hut, those who work in McDonald's, and those who work in many other fast-food chains do not have the same health care coverage as many of the customers that come in the door.

So this is not to single out two companies in particular but to use them as examples and to say that it is most likely true in the fast-food industry and in many other small businesses.

Now, let us look at some of the facts: First of all, in response to the Health Care Reform Project study, what Pizza Hut and McDonald's said was that—particularly Pizza Hut—was that if you force us to provide health insurance in the United States in the same way that we are paying in other countries, in other words, we are willing to treat employees in other nations better than we treat employees in this Nation, in our Nation, in the United States of America, but if you force us to do that, then what you will see is a loss of thousands of jobs and one reason is because of skyrocketing prices. "We will have to charge more," they say. In fact, if you look at Germany and Japan, the price of pizza is much higher. An $11 pizza might be as much as $19," and I believe the figure was used, "$23 in those countries." Well, yes, that is true.

What they do not point out is this: That because of the difference in the yen, deutsche mark and dollar and the fact that the yen and deutsche mark are going stronger as the dollar grows weaker, that that means that anything priced in dollars overseas becomes more expensive everyday. So the exchange rate is causing some of that difference.

The second thing they are not pointing out is their prices are higher in those countries mainly because those countries have a higher per capita income. So there is no real correlation.

In fact, if you look, I think it is interesting to note in the practices in other countries, in Germany and Japan—I do not think, while they are going through some recession at this point, no one thinks their economy is ready to bottom out—Germany and Japan both charge the employer 50 percent of the premium cost for insurance and the employee pays 50 percent. In Belgium, one of the other countries studied, the employer pays almost 4 percent of wages and the employee 2½ percent. In the Netherlands the employer pays almost 5 percent of wages and the employee about 3.15 percent.

So let us look at the economics behind pizza. I have spent some time studying pizza. I regret that I do not have my pie charts with me, but another day perhaps.

Most acknowledge that labor costs in making pizza are about 25 to 30 percent. So that means whatever the cost of that pizza, remember that cost is built into it advertising, marketing, food acquisition, management, administration and wages and labor. Labor costs around 30 percent for Pizza Hut, 30 percent for most fast-food industries. In some cases it is actually lower. That means then that on a $10 pizza—and, yes, you can still get a $10 pizza—on a $10 pizza that means about $3.35 is labor. That means then that under the original Clinton bill—and, of course, the Clinton bill is not with us anymore, and the assistance that it provided to small business is even better now under the new proposal—but let us take the Clinton bill. The Clinton bill says that the employer would be responsible for 80 percent of premiums. What many people have chosen not to focus on, particularly the opponents like Pizza Hut, while 80 percent of the premium was to be paid by the employer, in no event was that premium to exceed 7.9 percent, and in

some cases, for small businesses under 25 employees, it would be as low as 3.5 percent.

□ 1430

Three and a half percent of payroll; what that means then is, if you have a $10 pizza, and a third of the cost is roughly $3.35, then what you have is you have about $3.35 times—round it off to 8 percent—you got about 24 cents, 20 to 24 cents, of that would be reflected as an increase resulting from health care legislation. That is without, of course, factoring in some offsets. First of all, it is that every insurance policy has built into it, that you and I pay for and every working person, every insurance policy has built into it, about 25 percent of its premium cost is not going to our health care. It is going to pay for the health care of people who do not have insurance, namely the fast food employees and a lot of people like them, so Pizza Hut could save some money on the insurance it provides by providing the insurance for everyone.

Second thing is that it is very likely that workers compensation costs, which are often a large factor in many businesses, would be significantly lower were this legislation to pass because, instead of using the workers comp system, the employer would be able to then send that employee who is injured on the job to get medical care, health care, based upon their health plan, not upon the workers comp plan. So, let us do some factoring then.

Ten dollar pizza. We estimate that, at the most, the increase in cost would be 20 to 24 percent. I priced new toppings incidentally at a pizza restaurant the other day and found out that a new topping or an additional topping is about 60 cents, so that for about one-third the cost of a new topping, Mr. Speaker, we have got health care for everybody who works in that restaurant.

But I do not want to make it sound like I am just singling out pizza, so let us move on to the land of the Happy Meal, to the land of Ronald McDonald, or to any other burger that may be your pleasure. We happen to spend a lot of time, having two young children, with Happy Meals. I say, "You get the burger, small burger, you get the drink, and you get the fries, usually for around $3." Well, let us price that out.

That means for that fast food employer, that $3 meal, one third the cost is labor. So that is about a dollar. Under the original proposals, that would have meant a limitation of no more than 8 percent. So, for 8 cents on that $3 meal, every employee in there would have had health care. Indeed once again you also would have saved workers comp costs and cost shifting, so the Happy Meal apparently is happy in everything but health care.

Mr. Speaker, these are the kinds of put-your-pencil-to-the-paper calculations that are so essential. If I hear one more business person who says—actually let me back off. If I hear one more person who says they speak for the business community, talk about the thousands of jobs that will be lost, the massive unemployment if health care legislation passes, and yet is not willing to take their pen or pencil, and put it to the paper, and see how it affects their business—I grow quite disturbed at this phenomenon because what 9 out of 10 businesses find is that, when they do this exercise, what they find is they come out better than they are today. They have a better policy because they would have a comprehensive policy at a cheaper rate.

Now Pizza Hut has stated in some of the news accounts that that is all right because 70 percent of their employees have insurance somewhere else. They are covered some other way. Well, how is that? They are covered because in most cases the employee is either working another job someplace else that does cover, or the employee's spouse, or some other provider in the family, is covered. But what they are saying is:

> It's all right for the business down the street, which probably isn't as large as Pizza Hut or McDonald's. It's all right for the mom and pop restaurant to do everything possible to provide insurance for its people at a much greater cost while Pizza Hut and McDonald's ignore their shared responsibility.

It is alright, for instance, to have General Motors pay more for insurance, health insurance, than the cost of the steel that goes into every car. That is all right, to shift that cost to somebody else, because that is what we are talking about. We are talking about shifting costs.

If Pizza Hut employees do not get it at Pizza Hut and they are covered by insurance, they are getting it someplace else, usually through the spouse's employer, and that means, once again, somebody else is picking up the tab. I say, if you don't pay for it here, it gets paid for over here.

Finally, Mr. Speaker, let me make the last argument for a while. What about if they do not pay? What about why should we ask our businesses to pay? Because eventually everybody who is not covered is going to get health care, but the way they get it is the most expensive way. It means that you put off doing the basic health care that is essential. You put off the primary care. You put off the prenatal care. You put off the early intervention care. You wait until you are the sickest, and you go into the emergency room of our local hospital where care will be administered to you, and it will cost four times as much, and if you are not able to pay, the cost gets spread out to everybody else who comes into that hospital that year. So once again we all pay.

Mr. Speaker, I just urge people, when they go to a fast food restaurant, to put their own pencil to the napkin. I say to my colleagues, take a look at that menu when you order it, and when they tell you that they would have to increase the price dollars 30 to 40 percent. Figure it out. Say, "Well, the most that anybody has talked about has been 8 percent of payroll." Take a third of what's on that menu, and then multiply that by percent, and in most cases the only increase you're going to see, if any, is a very insignificant one, and then factor in what would it mean if I didn't have to pay 30 percent on my premium for cost shifting? What would it mean to this employer if he or she did not have to pay as much worker comp? What would it mean to our society as a whole if everybody were covered?

That is why we have to be careful when we go into a fast food restaurant and see the sign that says "special today," or perhaps, "We are going to throw bread sticks in free with the pizza." There is no free lunch around here. The bread sticks cost. They are costing the health care, unfortunately, of the employees there. There is no bonus for anybody in that situation.

Mr. Speaker, I appreciate the chance to talk about pizza, always a popular subject. I now yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I want to thank the gentleman from West Virginia [Mr. WISE] for initiating this discussion this afternoon and for his outstanding role throughout the health care debate and as we go into the final weeks of this debate and the final passage of health care reform in this country.

Over the last several months, as we have debated this issue of health care reform and the merits of health care reform, and it has been a national debate, we have found ourselves taking a look at other countries who provide health care for all of their citizens, and the logical question here arises, and a number of my constituents have asked me this question: "If Germany and Japan can give their citizens health care coverage, why can't we?" It is a good question. That question is made all the more disturbing when we consider that some of this country's largest corporations in fact provide health insurance for their employees in Germany and Japan, but not for their employees who work in the United States. This in my view is a double standard, and in fact it is a double standard.

So, Mr. Speaker, if Pizza Hut and McDonald's, as the gentleman from West Virginia [Mr. WISE] has pointed out, can provide health insurance for their workers overseas, again a logical question: "Why can't they provide insurance for their workers here in the United States?" The response from Pizza Hut, and McDonald's and others has consistently been that providing

health insurance for all U.S. employees will hurt business, will force them to raise their prices and will lead to a job loss.

□ 1440

We truly do understand in this body, and my colleague from West Virginia and myself and others who will participate here today, that Pizza Hut and McDonald's and other fast food chains, and, for that matter, other businesses, are concerned about the costs of covering low wage, part-time employees. But the assertion that costs covering employees will hurt business, lead to massive job loss, or cause a rise in food prices, is nothing more than a scare tactic, and we need to look at the facts, some of which my colleague has already pointed out.

In Japan, where employers are required to contribute to their employees' health care, Pizza Hut intends to boost the total number of Pizza Huts in Japan by more than 300 percent within a 5-year period of time.

In the Netherlands, McDonald's now has 100 stores, a 17.6 percent increase over last year. Clearly employer responsibility is not hurting U.S. business in their countries.

Employer responsibility does not hurt job growth either. Employment at Pizza Hut in Germany increased 23 percent from 1992 to 1993. Also in Germany, employment at McDonald's is thriving. In 1992, it had 27,000 employees and revenues of nearly $1 billion. Employer responsibility is not hurting job growth. It is not hurting job growth in Germany and in Japan.

What of the charge by Pizza Hut that the higher costs for their products overseas is a reflection of their requirement to provide health care? One problem that they failed to mention is virtually everything costs a bit more in Germany and Japan than in the United States. But they fail to talk about that.

But this is not to say what we are doing here this afternoon is not to say that requiring the company to cover employees will not have some impact on the price of its product. That is not the point. However, Pizza Hut's claim that their prices would soar from $11 a pizza to $25 a pizza if they have to pay for health insurance is a gross exaggeration. Most estimates, as my colleague has pointed out, will see a likely increase in the cost per pizza of closer to 40 cents a pizza, not $8 as this company has claimed.

What this debate is all about is shared responsibility between employer and employee. Fast food chains should know better than anyone that there is no such thing as a free lunch. If they are not paying for the health insurance for their employees, who is? The answer, of course, is everyone else is picking up that cost.

When a Pizza Hut or McDonald's abdicates its responsibility to pay for employee health coverage, it does not keep their employees from getting sick. They get sick the way everyone else does. Working Americans still must attend to the health care needs of their families, their children still need to have vaccinations, they still need prescription drugs, and their parents need long-term care. But the cost of that health care is more expensive, because working families who are left without insurance by employers tend to put off seeking care until they find themselves in need of emergency care. Emergency room physicians have become the primary care givers for too many of the uninsured working families, and you and I pay for those costs. What we have found is that those who are uninsured are not those who are unemployed. Most of the uninsured are working in small businesses, with under 25 people, whose employer does not have the wherewithal to potentially provide the opportunity for a shared responsibility between employer and employee.

Many unisured workers are hourly employees, like those who work at Pizza Hut and McDonald's and other service industry jobs. And the rest of us with health insurance pay to cover 86 percent of their hourly employees through cost shifting and uncompensated care.

So whose responsibility is it to cover Pizza Hut's employees, or McDonald's employees? Is it Pizza Hut's, or is it ours?

Pizza Hut says that they meet their responsibilities by offering employees health insurance. But offering is not the same thing as providing insurance. And offering something that is out of the reach of most of their employees is an empty gesture at best. They have a plan, they make it available, but they do not pay for anything, and, in fact, only 14 percent of hourly restaurant workers at Pizza Hut participate in the company's insurance program, because those employees cannot afford to pay 100 percent of the costs.

McDonald's does not cover its hourly or part-time workers at its U.S. restaurants. However, they do in fact cover hourly or part-time workers in Belgium, Germany, Japan, and in the Netherlands. And for a company that has wooed the American public for years with the slogan "You deserve a break today," we believe that McDonald's workers deserve a break today on the cost of their health care.

Like McDonald's, Pizza Hut does not cover its hourly or part-time workers at its U.S. restaurants. However, they do cover hourly or part-time workers in Germany and in Japan.

Now, in response to the threat of health care reform in this country that will ask employers to pay their fair share, Pizza Hut has launched a public relations campaign to scare the American public into believing that the Congress is out to take away their pepperoni pizzas, and nothing could be further from the truth. We want them to keep delivering pizzas to the American people, and we want them to deliver health care to the American people.

Providing health care for every American will not come at the expense of American business. In fact, it is our current health care system that is bad for business, and particularly for small businesses. And that is why the CEO's of the big three auto companies came to Washington to make the case for a system of shared responsibility between employer and employee. Why? Because they are doing the right thing by providing health insurance for their employees, but they are also paying for Pizza Hut and McDonald's employees every time one of those employees has to go to the hospital.

So we need to reform our current system. Nobody is talking about rebuilding it, but reforming it, and that is why we need health care reform that builds on our current system of shared responsibility between employer and employee. Nine out of ten people today in this country who are covered by health insurance get it through their place of employment. It is a system that works for employers and employees, and only by bringing everyone into the health care system can we achieve public, private guaranteed health care insurance for everyone at a cost that businesses and working families can afford and that can never be taken away from people.

We need to ask these corporate citizens to play fair in the United States. They are doing their responsibility in other countries, but come home and play fair with the people in this Nation, give them a break on their health insurance costs today. The American public deserves no less.

Mr. WISE. If the gentlewoman will yield, let me get this straight. If I am an American, and I do what society asks me to do in this country, no matter how difficult, I go to work at a low wage job in a fast food outlet, I stand on my feet 8 to 10 hours a day, I don't have much take-home pay, but I am doing what society asks, and I don't have health insurance through my employer, but if I happen to be the same worker in Japan or Germany or Belgium or the Netherlands working for the same company, I get health insurance?

Ms. DELAURO. That is absolutely right, and that is because there is a system in those nations that says that every employer must provide health care. And, as you pointed out, there are shared responsibilities. No one is saying that the employer has got to pick up the entire tab for the employee. But it is shared responsibility. That is essentially what the debate is about in the United States. If they can do it

there, they can certainly do it here in this country, and not put Americans' lives in jeopardy, because that is in fact what is does, because people get sick in this Nation.

□ 1450

And many are going without health care because they cannot afford it. And they are not in a situation in their employment where they have that opportunity to share their health care costs with their employer.

Mr. WISE. The real irony in this situation is that the best thing an American Pizza Hut or McDonald's worker could do is to see if it could get one of the German, Japanese, Dutch subsidiaries to open a facility here and thus they would be covered.

Indeed, I have heard that story of a person who was working for a French company that was a French corporation. They were working in the United States. And when they became ill, they were covered by the French company but they could not have gotten insurance working for the American company.

I thank the gentlewoman from Connecticut for her very, very eloquent statement.

Another gentleman who has been very active on this issue is the gentleman from Texas [Mr. GREEN].

I yield to the gentleman from Texas [Mr. GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the gentleman from West Virginia and also the gentlewoman from Connecticut for those words.

I have been active in the health care debate. Coming from Houston, TX, because of serving on the Education and Labor Committee, but also the district I represent has 148,000 families who are working, who are working at those jobs and their employers do not provide it, one of the highest in the country.

These are people who are out working, and they are not on welfare. But they are working and yet they do not have it.

I rise this afternoon along with my colleagues to bring attention to the issue of universal coverage as the essential component of any health care reform that we do.

Universal coverage is the key to lowering the cost and eliminating the cost shifting that has caused the sky-rocketing of health care insurance premiums. The people of the district that I am honored to represent are some of the hardest working people in this country. Yet that alarming 148,000 of working Houstonians and working Texans are from working families without health care coverage. This is from the census data that we received from 1990.

This is a prime example of what is wrong with our current system. These people work and yet have no coverage. We provide them with a system where it would be easier to stop working and qualify for Medicaid. Yet these people continue to work because they know that their work is the way to have a better future for their families.

We should reward their work with health care and not punish them for working by saying, you should go on Medicaid, an additional cost to both States and the Federal Government.

In a recent survey, 74 percent of Americans stated they support universal coverage. The AFL-CIO, the AARP, the AMA, with a combined membership of 46 million Americans, all agree that universal coverage is an essential component of health care. Along with that 74 percent, almost three-quarters of Americans support universal coverage.

Since we have reached some reasonable consensus that whatever bill passes needs to have universal coverage as its goal, we must now look at the methods on how we can reach that care and how we can reach that goal.

First of all, we can do nothing. We can, Congress can adjourn in September or October and say, let us leave the current system as it is and see what we can do and let the system correct itself.

Well, for many years, Presidents from Harry Truman to Richard Nixon have suggested national health care. The problems were apparent then, and all of a sudden the market changed a little bit and then Congress went home and did not do anything. So the problems continued, because the only reason we have any health care in the last year is because of the threat of additional government intervention.

So we can do nothing. We would continue to see skyrocketing premium increases. People would still risk losing their coverage. And our national debt would continue to grow under the strain of increased health care spending.

We could enact a Government-sponsored plan, whether it be called a single payer or any other Government plan that would be provided. And the Federal Government, like in some of the countries that my colleagues have talked about, would provide that insurance.

I have received so many calls, like a lot of us in Congress from our districts, saying, "we know the system is broke, but we do not want the Government to provide it. We don't know if the Government can do anything right. So we do not want to trust it to the Government."

So we are not even advocating a single payer system, although there will be a vote in the next few weeks on that here in the House, because we do not want that Government intervention because people do not necessarily trust the Federal Government. The proposal has some distinct advantages though. It would cover universal care. It would take care of everyone universally. But we also know the distrust that people have. So let us discount the second mechanism for doing it.

We can require an individual mandate. That is one of the proposals that was considered in the Education and Labor Committee. We could require everyone in the United States to provide their health care.

Well, before I was elected to Congress in 1992, I served 20 years in the Texas Legislature, and we tried to deal with automobile insurance with an individual mandate. Like most States in this country, including West Virginia, it is a mandate that you have automobile liability insurance. Today on the roads in Texas, we still have 30 percent of those people who are on the road who have no liability insurance because of the high cost, because of the availability, for lots of different reasons.

So an individual mandate has not worked in automobile insurance even though we have criminal penalties in the State of Texas. And in some States, you could lose your automobile for not having liability insurance. But we still have a lot uninsured motorists. So the individual mandate that is being proposed and will be voted on in the next few weeks here just will not work because it has not worked in other areas of insurance.

What we come back down to then is to continue the system we have today, the success that we have and to build on the success we have of the employer/employee cost sharing that is fairness that we have now. Almost 9 out of 10 of the people who have insurance in the United States today, through the free market, get it through their employer. It is not with a mandate. That would require some fair sharing between employers and employees. Even Pizza Hut that was talked about a few minutes ago, they offer their employees now some type of health care. They just do not want it mandated.

Well, I would like to see those minimum wage workers, those part-time workers, whether it be at Pizza Hut or McDonald's or any other place, be able to have that health care, because 9 out of 10 of the people who have it now get it through their employers. This keeps the free enterprise system that we have, the benefits of it. We have some of the highest quality health care in the world here in the United States. We have people come from all over the world to our health care centers. And particularly in Houston, TX, people come from all over Latin America to Houston for health care. They can pay for it though, and they come. And they pay very top dollar to come to the University of Texas, M.D. Anderson, or to many of our hospitals and our medical centers. What we need to do is build on our current system and expand that for the people I represent, that 148,000 families who work and do not have it, to be able to access that high quality care

that we can offer in Houston and all over across the country. It opens up our quality health care system we have now to those hard working Americans that need it.

Today most people who have their insurance get their insurance through their employer, including Members of Congress and the President. If we want to make sure that the system we provide also includes Members of Congress and the President, we need to have some type of employer/employee fair share. We have a 70/30 system now in Congress.

I will be honest with you, before I was elected to Congress and was in a business, we had a union contract that required our employer to pay 100 percent. So I may be one of the Members of Congress who had better health care before I was elected to Congress. But we had 100 percent coverage for dependents. And we have a lot of quality care in the United States today, but this builds on even the system that Congress has and the President has. It is cost sharing system.

This system for all Americans was created by the market forces, by free enterprise. No one is mandated that requirement but it was created. What we need to do is expand it to those other few people who have not been the beneficiaries of our quality system we have now. It is very attractive to the best workers. We want to make sure that it is attractive to all the workers. By creating a system that is an extension of the market-created system we have now, we are retaining the best of our current system, the fairness.

Let us make this work for all the health care system for every one in America.

In closing, I would like to remind my colleagues who may be watching and also the American people that this is the last great people-oriented debate we may have for this century.

□ 1500

The social policy we talked about, Social Security in the thirties and Medicare in the sixties, now we are going to talk about health care for everyone in the nineties—hopefully by the time we leave here, we will have it on the President's desk—that will cover all Americans. When we talk to our children and our grandchildren, 30, 50 years from now, maybe they will look back on it just like we today look back on the sixties and say how did Congress have such a hard time passing Medicare for our senior citizens, or passing a basic pension system in the thirties for our senior citizens.

We cannot imagine 50 years later not having that, or 30 years later not having it. I think that 30 to 50 years from now we may be in the same situation. My children and my grandchildren will be saying, "I can't believe that it took Congress so long to do something."

We need to make sure that Congress leaves with success; that we do not simply make history, that we make history on health care fairness, not just a big political squabble we have here, and we leave Congress in October with some success, and not just with a lot of hot air here.

Other industrialized nations of the world, as my colleagues have pointed out, have taken this step because it is the right thing to do economically and politically. There is a great future for all Americans. If we vote for health care reform that covers everyone, if we pass a plan that contains universal coverage, it will be a better life for all Americans.

Mr. WISE. I want to thank the gentleman. In so many ways he has touched on so many points: Universal coverage, big word, but what is important that the American people understand is that universal coverage is simply guaranteed private, stressed private, health insurance that cannot be taken away, and that it has certain elements to it.

The bills we are looking at, you and myself and the gentlewoman from Connecticut [Ms. DELAURO] and so many others, these bills would say "guaranteed private health insurance that cannot be taken away," freedom of choice to choose your provider, your doctor, and your plan; you want an HMO, you want a provider option, you want a fee-for-service, choose your provider, choose your plan.

Medicare as senior citizens know it and have fought for it would be preserved. They do not need to worry about Medicare, it is intact.

There would be true insurance reform. You could not be denied because of preexisting illness. There would not be discriminatory pricing. You would have rates spread out over the entire population, instead of focused just on a few, often who are sick, and therefore the rates rise sharply.

Finally, there would be shared responsibility. The employer, the employee, and the Government all would share the responsibility for providing this health care.

Mr. Speaker, the gentleman made another point that I think is very, very significant. He spoke about President Nixon, Richard Nixon. I have never heard anyone suggest that Richard Nixon was a rank liberal, someone that was high on the Americans for Democratic Action rating list.

Yet, it was Richard Nixon, President Richard Nixon, who in the early 1970's proposed the first shared responsibility, the first employer mandate. Interestingly enough, it was in much the same way; it would have worked much the same as what has been proposed today.

The gentleman also brought up another very tender subject: Members of Congress. In my town meetings I have heard the refrain coming back to me, "I want to make sure Members of Congress are covered, as well as Members should be covered by the plans that everyone else is subject to, but more importantly, I demand the same care that Members of Congress get."

I want people to have that care. As the gentleman points out, it is not something special. Nine million Federal employees have that policy. Members of Congress pay into the Federal employees' health benefit pool the same way that 9 million others do.

To those afraid of Government bureaucracy, I might add that 9 million Government employees or their dependents have their choice of plans, as many as 300 nationwide. Every year they can change it if they wish. The employer pays and the employee pays. Presently we pay somewhere between 28 and 30 percent of the premium cost.

I know that in our family, we have opted for a fee-for-service plan. You can buy an HMO. You can buy a PPO. You can buy many different varieties.

Out of all this, how large a role does Government have? What kind of giant, awesome bureaucracy is set up to administer this? For 9 million people, there are 145 people involved in administering the Federal employees' health benefits plan, at a cost of one-tenth of 1 percent of what these plans pay out.

I want the American public to have the kind of coverage that Members of Congress and, yes, 9 million other Federal employees and dependents have. Incidentally, it is very likely that the plan that will be on the House floor will permit some kind of buy-in, particularly for small businesses, into that system.

I thank the gentleman very much for the points that he has made.

Mr. GENE GREEN of Texas. If the gentleman will continue to yield, if I could respond just in brief, when I first was elected in 1992 and came to Congress and health care was an issue, I did not agree to vote for the President's plan or any of the plans, or cosign any of them.

However, I voted for one after working in the Committee on Education and Labor for many months on that, to address some of the things you talked about. The freedom of choice of physicians, we have that freedom of choice. I don't want to go home and tell my constituents that we do not have that freedom of choice.

Whatever plan Congress passes, we will have that freedom of choice, probably more so than they have currently, under the current system, if they are out in the marketplace, because we will expand some of those HMOs and those pools where they will have more physicians and more health care providers.

The prescription medication, I receive, like the gentleman does, a lot of letters in my office from senior citizens who are worried about Medicare,

worried that they will lose their flexibility on their plan. If Congress does nothing, if Congress does nothing this time, we will lose the benefit that we need for some type of copayment on prescription medication from Medicare, for some type of long-term care for Medicare patients. That is what is in the bill that came out of the Committee on Education and Labor, came out of the Committee on Ways and Means. I'm sure it will come out of the House when we start working on it in the next week.

We need to take care of senior citizens and their concerns because again, like you, I have senior citizens who are on minimum benefits, Social Security. Often their prescription medication right now is the same amount of money they receive per month from their minimum benefit on Social Security. We have to change that. We have to make some changes.

That is part of this bill. It is a major reform. It is a lot to take up but it is not something that we just dreamed up the last year. As the gentleman said, President Nixon in the early seventies actually in his 1969 inaugural speech, Harry Truman in the forties, so it is not something we can say, "Let us put it off until next year. Let us look at it some more."

We can study health care forever, but we need to address it now, because the next session of Congress, sure, we will have to fine tune it. We will have to make some changes, because the health care system is not a block of granite that we can leave in place. It is something we will have to continually mold and work and adjust, and we will have to do that. But we need to get off of dead center where we have been for the last 30 years since we passed Medicare for senior citizens.

Ms. DELAURO. Will the gentleman continue to yield for a moment?

Mr. GENE GREEN of Texas. I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I'm sure you hear the same story. Seniors do one of three things with prescriptions. They will go to the pharmacy and they will ask the cost. One of three things will happen. They will decide that it is too expensive and they will not get the prescription covered; or they will get the prescription half covered; because that is all that they can afford to do; or, if they do get it covered, then they may go without eating for a day or two, or they cut back on what they are eating for a day or two.

In all three instances, we are looking at a vulnerable population becoming more vulnerable, because of cost of prescription drugs. My colleague is absolutely right. If we sit here and do nothing, and do not do what is in some of the plans that we are looking at, which is to provide a prescription drug benefit, we are going to find that more and more people are going to be in the situation of deteriorating health because of the increasing costs in prescription drugs.

Mr. Speaker, I might add that, in terms of what we started to talk about earlier, that often pharmaceutical companies will charge four times as much for prescription drugs in the United States than they will for drugs in other countries, where there is some sort of a commission or board or some law that says that that cannot occur. In the same way, we are talking about covering people who are workers, not covering workers in U.S. companies but American corporations covering workers in foreign countries, the same thing.

We have an opportunity here, Mr. Speaker, to pass a piece of legislation that will have a tremendous impact on seniors, as the gentleman pointed out, and others, but also to do something about that people who are not now covered, and to do something about the costs of some of these services.

Mr. GENE GREEN of Texas. Some of the other options I have had seniors do in their prescriptions is that, one, they will get a prescription, and maybe they should take one pill a day, and because they know they only have so much money, then they will say, "I can't afford one pill a day, but I know I need to take it because my doctor said to, so I will only take one every 2 days." They are doing self-diagnosis to spread out that cost.

In Houston we have seniors who drive 6 hours to Mexico to take advantage of some of the cost differences the gentlewoman talked about from foreign countries. I know in the Northeast, in the northern States, they also can go to Canada, but people will drive 6 hours to go to a pharmacy in the Republic of Mexico to take advantage of, in some cases, 20 to 40 percent of the costs that they are paying for it in Houston, TX, and yet it is the same prescription.

In fact, I joked with our colleague from Puerto Rico, we have some of the prescription medication that is made in Puerto Rico with our 936 tax benefit, which you can buy cheaper in the Republic of Mexico than you can here because it is exported from Puerto Rico to Mexico.

□ 1510

So we have a lot of seniors who are trying to make the system work, with their limited resources. We have to be sensitive and remember that those are people who fought in World War II, those are people who have built America to what it is today and we need to respond to that and not make them make that decision on self-diagnosis, or in Houston today, there are people who are cutting off their air-conditioner because they want to save on their electric bill so they can buy their prescriptions. We do not need them to make that choice.

Mr. WISE. As the gentleman points out, Houston, too, I had the privilege of spending 2 years in Houston in law school. Houston is a major medical center, and the problem is that many of those people will put off the prescription drug or the checkup or whatever until it is late in the game. Then they go into the hospital, to one of the major medical centers, they get the best care in the world, the problem is it is the most expensive care. I also note something else. I have heard we do have the best health care system in the world. We have the highest quality. Houston epitomizes it. We have other major centers across the country, such as Los Angeles.

I note with interest that on Sunday, I was in a fast-food restaurant in Clarksburg, WV, I think I am pretty safe in saying that none of the employees in there had health care. But while I am paying for my food, I look over and there is a jar, a glass jar. There is a picture of a little girl in a white party dress that says, "My name is Misty Lewis and I have" in this case a certain kidney disease. "I need money for dialysis." She said, "I need it to save my life. Thank you for your support." We have the best health care system in the world, we have people that fly whether it is to Houston or to Ruby Hospital or travel hours to Charleston Area Medical Center to get the best medical care in the world. In many cases fly hundreds, thousands of miles. Yet we also have children who cannot get 20 miles to get to the care they need because of finances. It is just incredible to me.

The gentleman from Texas mentioned automobiles. West Virginia has been through much the same experience as I think Texas and every other State with compulsory coverage. I find it passing strange that in this country that we have accepted, whether or not it is totally lived up to, but we have accepted the concept of compulsory auto coverage. We have not accepted the concept of universal health coverage. Our cars get far better treatment and coverage than we do, which leads us to this image of a scene in an automobile accident, a couple, Harry and Louise, hit a tree while they are driving, talking about how they do not want Government health care. They hit a tree and tumble out of the car. Ambulance and tow truck arrive at the same time. Ambulance driver goes over and says, "Whoops, they don't have insurance." Tow truck driver goes over, looks at the car, and says, "The car is covered in this State. Get out of my way." The car gets the coverage. The couple do not. It is a ludicrous situation. My hope is that as the gentleman has well expressed it, this is the year for health care.

Ms. DELAURO. I think that the American public needs to be clear. They are receiving a whole lot of information today about what is going on in

health care, what this plan is, what that plan is. Listening to people like Pizza Hut and McDonald's and others, fast-food chains talking about how this is going to bankrupt the system, that people are going to be thrown out of jobs. I think we can help to provide a little bit of clarity. Some in the press have done that. The public really should know the truth. In the New York Times in July, the last paragraph of an editorial that says "Pizza Hut's Double Standard", it reads that Pizza Hut and others like it do perfectly well in the countries where shared responsibility for medical care is a matter of law. Why not here? The notion of trying to really pull the wool over the American public's eye in saying that business is going to go out of business if they do this is unfair. That is one of the reasons why we are here tonight. The other is that the public should know that both Pizza Hut and McDonald's, they sit on a steering committee of the Health Care Equity Action League which is an organization that contends that employer responsibility is unacceptable, that they do not want to move in that direction and that they have been working very closely with another organization called the National Federation of Independent Businesses which has been one of the leading proponents against shared responsibility and they have been at the head of that lobby, to try to not have businesses be able to provide health insurance. The fact of the matter is that what we ought to be engaged in is a truthful dialog. As I said earlier on, no one believes otherwise, that in fact they need to have an opportunity to assist business and particularly small businesses with helping them to cover their employees. We are trying to do that with discount assistance for small businesses. The Clinton bill, which is no longer the operative plan, talked about capping the cost for small business as well as large business. The other plan, some of the other plans, the bill of the Committee on Ways and Means, the Labor and Human Resources bill in the Senate talks about assistance to small businesses in doing this. This needs to be a partnership. What we cannot do is to try to trash health care reform on issues that untruths are being told about these issues. We need to have a cooperative partnership relationship with business in enabling them to be able to cover employees so in fact we achieve that private guaranteed health insurance for everyone in this Nation, because only then will we be able to bring the cost down. Only then is it portable, only then will we be able to provide the kind of prescription drug benefits and the beginning of long-term care that we are talking about.

The issue is, let us be truthful with the public. If you can provide this kind of service in other countries which demand that you do it, please do it for the American public.

Mr. WISE. Exactly. And I think the gentlewoman points out something else, too, which is this that may be Pizza Hut and McDonald's, two very large corporations, but by the same token much business in this country supports universal coverage, supports guaranteed private insurance that cannot be taken away, whether it is IBM, the Big Three auto manufacturers, grocery store chains, because they know that it is good for health care but it is good business in economics, too. They also know that when somebody does not pay, then they end up paying even more. That is why our goods that we ship abroad, whether it is an automobile or whatever, can become less competitive because they pay more for health care in the cost of making that car than do those in another country where the cost is spread out. I think that is also why they have supported this concept of guaranteed private health insurance that cannot be taken away, from everybody, because they want universal coverage. That is the only way this system works.

Ms. DELAURO. There is an entire listing of Fortune 500 companies that do in fact support employer-employee cost sharing: A&P, Food For Less, Acme Steel, American Corn Growers, American Auto Manufacturers. As the gentleman said, IBM, H.J. Heinz, Hechinger Co. The list goes on. So there can be a debate and dialog about this and its value in terms of getting everyone in this Nation covered.

Mr. GENE GREEN of Texas. Let me add to that, because we could go over that list. A great many of those companies in my area, from Texas, a great many chemical and oil companies, Arco is a good example that is on that list that came and lobbied, said, "We want some type of universal coverage because we see what the cost shifting is doing to us." Sometimes we get to talking about small businesses, and I know you mentioned the National Federation of Independent Business people. I have a constituent who is a member of that who called my office 2 months ago and talked about how he is a member but he covers his 10 employees because it is fair, but he cannot continue to compete with his competitors unless they are all in the same boat. Same way with wages. If he did not have to pay minimum wage or some type of competitive wages, his competitors did not, we would see that burden shifting, that cost shifting that we see today in health care. That person whether they be a memorial monument company or whether they be a restaurant or anyone else cannot continue to provide health care with the ever-increasing costs we have unless we broaden that coverage to everyone so we do not see that cost shifting. That is why I think we see a lot of those Fortune 500's saying we need to change that.

Let me talk a little and say something about something which was said, often people get so many different versions about what is happening here in Congress. They listen to Harry and Louise and everyone else. Free enterprise and freedom of speech is the greatest thing this country has been founded upon. We also need to recognize that the people who listen to that need to say, kind of wonder, that they are expounding on their issue and sometimes they may not be telling you the whole truth. They may not be wanting to say that sure they have coverage now and they are happy with it but their employer may drop them tomorrow, or they may have a deductible that's $1,000.

So sometimes in the commercial free speech we see or in the noncommercial free speech or even in the letters a lot of people get from the computers here in Washington saying Congress is going to do damage to you, well, sure Congress every day we are in session can do damage.

□ 1520

But we can also do good if those people are constructive and are working with us to identify prescription medications, identify the way we can help with people, and health care is one of those, and not necessarily believe just what you happen to hear on radio talk shows.

Mr. WISE. The irony too is the Pizza Huts, the McDonald's, and other organizations like them taking the position they do is they have the ability to buy insurance, negotiate from strength, for thousands of employees. The small companies the gentleman mentioned that are supplying insurance do not have that bargaining power.

The legislation we support gives small businesses that bargaining power. But there are some that already have it, and choose not to exercise it.

That is why so many businesses, separate corporations do support the health care legislation that all of us here support, because they understand that it makes it fair, that it levels the playing field, and the one who is supplying health care is not put at a competitive disadvantage to those who are not.

My one hope is out of this debate and discussion that the Pizza Huts of the world will come forward and recognize their responsibility. I want to be able to think next time I walk into a Pizza Hut that it is not just a Pizza Hut, but that it is pizza health, and that they are living up to their share of responsibility to make sure their employees are covered, just the way some other business people are, and want to make sure their employees are covered.

Ms. DELAURO. The gentleman was talking about his constituent who was a member of the NFIB. I had a wonderful experience which I mentioned on

the floor of this House before of a constituent who has a small cleaning business, whose name is Harry Pappas. I have known Harry for a long time. I used to bring cleaning to his establishment years ago. I had not heard from him since I have been a Member of this body. But he called and he said, "Rosa, I never make a call like this, but," he said, "I received a package of information and it told me to call you to tell you to vote against health care reform because, in fact, this was going to hurt my business. It would put me out of business." And he said, "They also included for me a worksheet to put down the facts and figures in my business to see how much more it would cost if we went this route."

The fact of the matter is that Harry did that, he took the time, as the gentleman said, took the pencil to the paper, took the pencil to the paper and to the worksheet and laid it out, and lo and behold, what he found is that it was going to cost him 17 percent less than he was paying now, and he was trying to take care and he is trying to cover his employees.

So the purpose of his call would up being to encourage me to move forward in voting on health care reform.

The point again is let us give the American public a fair break, the public, small business, and let us be honest with them about what this system means to them. This is an issue that is much too important to have it get clouded over with rhetoric and with falsehoods and with a variety of other kinds of comments on it. Let us provide the data, and let the American people decide whether or not this is something that they want to do.

Mr. WISE. In closing, I would just urge all business, small and large, before they react to the rhetoric, take this pencil or pen, put it to the paper, and they are going to find out that health care is good economics and good sense.

## MODIFICATION IN APPOINTMENT OF CONFEREES ON H.R. 2739, AVIATION INFRASTRUCTURE INVESTMENT ACT OF 1993

The SPEAKER pro tempore (Mr. WATT). Without objection, the Chair announces the following modification in the appointment of conferees on the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes:

From the Committee on Education and Labor, Mr. MCKEON is appointed in lieu of Mr. GOODLING for consideration of section 418 of the Senate amendment and modifications committed to conference.

There was no objection.

The Clerk will notify the Senate of the change in conferees.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2448, IMPROVING RADON TESTING PRODUCTS AND SERVICES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-622) on the resolution (H. Res. 491) providing for consideration of the bill (H.R. 2448) to improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 208, NATIONAL PARK SERVICE CONCESSIONS POLICY REFORM ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-623) on the resolution (H. Res. 492) providing for consideration of the bill (S. 208) to reform the concessions policies of the National Park Service, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## JAMES CARVILLE'S FOOD CHAIN CHART

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994 and June 10, 1994, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the minority leader's designee.

Mr. DORNAN. Mr. Speaker, a few weeks back James Carville, at one of these high-powered Washington, DC, breakfasts for the media elite, came up with a flow chart that we call a food chain, that he said was causing all the negative publicity for Bill and Hillary Clinton. I was mentioned in this food chain. The chart is bizarre, to say the least. But it was also highly inaccurate. I asked the parliamentarian if it could be considered a personal attack on me, thereby enabling me to a point of personal privilege, which would allow me to speak for 1 hour and defend my reputation.

I would never do that to interrupt the proceedings of a legislative nature of the House. I did do it once when I was attacked by a former Member who left this body under a cloud to go up to Wall Street and become a billionaire. This Member had attacked me by indicating that I had lied in a biography about serving in Vietnam although I had been on television during the entire Vietnam war. I did go over there eight times as a reporter and got as close to combat as any other reporter I ever saw. In fact, I did something that I never saw anybody do, not even Gunga Din Rather. That was to beg rides on Air Force and Army combat missions, on helicopter gunships and on fast-moving jet fighters flying with friends of mine that I had been in the Air Force with years earlier. Nevertheless, Tony Coelho attacked me, again even though I had been on television in front of the whole world on the Robert K. Dornan Show. I took a point of personal privilege because the charge was so heinous. But I will not have bothered to do it on this.

But for a special order, late at night, to set the record straight, I think it is worth exploring. There is a group at the White House called the Fab Four. They are James Carville, his friend Paul Begala, Mandy Grunwald, and George Stephanopolous, the man Rush Limbaugh calls Mr. Excitement. The Fab Four is led by James Carville. Together they think that they have come up with a food chain chart that shows what causes all of the Clintons' problems.

He has in the top row of the food chain David Hale, an indicted Clinton-appointed judge in Arkansas who, as the organized crime folks would say, is singing like a bird to the special prosecutor not independent counsel, Robert Fiske. Then he has Roger Perry and Larry Patterson. Carville only mentioned these two of the five troopers who were on tape to the Los Angeles Times and the American Spectator, who both reported extensively on what the troopers had to say about womanizing and a certain Southern Governor. Again, he has only two troopers out of five listed. Moving on, imagine going before the elite of the national press and the White House press corps as Carville did at this breakfast, and showing a chart with Gennifer Flowers and Sally Perdue on it. Gennifer Flowers released tapes, and she is marketing hours more of the tapes that are pretty darn incriminating. Sally Perdue said, "Oh, he," the person in question, "smoked marijuana all of the time because it increased his aggressiveness." What are they doing on a chart that Carville brings before the press?

This food chain was lightly reported upon, by the way. Most Americans are hearing this for the first time in this 1,200,000 audience that watches C-SPAN.

Then he has on there Rev. Jerry Fawell, from Liberty Baptist College. Then he has on there Reed Irvine, a solid American who spent most of his years in Federal service, retired, and then founded a great organization that I vigorously endorse, Accuracy in Media.

He says these six sources, the two troopers, the two-women confessing adulterous affairs, a judge who is under indictment and who copped a plea to two or three felonies, a media watchdog and a reverend, that they feed, believe it or not, Cliff Jackson, a Fulbright scholar at Oxford during the 2

years Clinton was also supposed to be there attending school. Remember, Clinton never got his degree from Oxford. Add then there D'AMATO and Sheffield Nelson, who I guess is running again for Governor of Arkansas. He ran against Clinton in 1990.

Johnson-Smick—this is the consulting firm whose newsletter caused the stock market to drop when it reported on some of the speculation surrounding Vince Foster's suicide.

□ 1530

Then they have got me, BOB DORNAN, hence my special order tonight. Then they have Floyd Brown, who runs an organization with David Bossie out in Virginia that accumulates a world of material on everything that comes under the heading of Whitewater. So he has got me right up there with full-time investigators, the current gubernatorial candidate in Arkansas, a DC consulting firm, and a charter friend of Bill from those 2 years in England when he (Clinton) was avoiding the draft three times.

Then we, all the aforementioned, supposedly feed the Star. That is the tabloid that published about a fifth of the Gennifer Flowers tapes, published written transcripts. We also feed Rush Limbaugh; and we feed British tabloids which, by the way are not tabloids in the sense that we would describe the Star or the National Inquirer but are more newspapers like the Sunday Telegraph. By the way, the Sunday Telegraph ran a story a week ago Sunday, front page, on cocaine use in Arkansas, and tying cocaine use to the President's half brother, Roger Clinton. I am told Roger Clinton's band was called Dealer's Choice. Since Roger Clinton had legal trouble over cocaine use, I think it is fair to assume there may have been more than a little double entendre in the name of his musical group, "Dealer's Choice." I think it probably was a little play on words to an inside joke about his high-flying cocaine use with another friend of Bill, Bill Lasater, whose former associate is the current head of the administration of the White House, Patsy Thomasson. All of them are charged in this British newspaper.

By the way, Mr. Speaker, an interesting footnote: England does not have the robust freewheeling interpretation of free speech rights that we have under our first amendment. Many American performers have sued British newspapers for libel and walked away with millions. There was this front-page story a week ago accusing a sitting President of using cocaine when he was attorney general and Governor. I think President Clinton, instead of for the first time in American history setting up a legal fund to take in money to fight charges of sexual harassment, I think Mr. Clinton should take some of those high-powered lawyers, and them to London, get involved with some British barristers, and sue the Sunday Telegraph for this cocaine story a week ago Sunday. If successful he would have the millions of dollars he needs to cover his mounting legal fees for the Paula Jones case and have some left over to help out on Whitewater. Interesting concept, perfectly valid.

Next to the British tabloids is a very hard-charging talk show host, G. Gordon Liddy. He is on about a hundred stations. Rush Limbaugh, on the same line, is on about 650-plus stations. So that pretty well covers America.

Then those people feed the Washington Times, one of the nine best papers in America, the alternative, I like to think untruthful press here in Washington, DC; the New York Post, which was running exclusive stories under Chris Ruddy's byline, who I bumped into in the hall downstairs. He is an aggressive young New York Post reporter now working the Hill scene. Then the American Spectator and its great founder, publisher, editor, Bob Tyrrell, who was, I thought, stupidly and viciously attacked last night on NBC's "Dateline." They kept saying, "You accused the President of adultery," and Bob Tyrrell would say, "No, you keep getting it wrong. I am a reporter. I reported the accusations of the five troopers." Then there is the New Republic, a schizophrenic magazine with a great conservative senior editor, Fred Barnes, and an ultra-liberal friend of mine, Michael Kinsley, the dashing, now-bearded host of Crossfire. When I shaved my beard last week, Kinsley saw an opportunity, and he started growing one. I must say, Michael, you look marvelous. Excuse me, Mr. Speaker, for addressing Kinsley directly. You tell him, Mr. Speaker, he looks marvelous with that new beard; then the Wall Street journal editorial page, going after Bob Bartley there.

So there is James Carville's food chain. He says all of these various levels feed the poor, pathetic, mainstream American press which just gobbles up all of this stuff and then report it to the America people. What a bunch of baloney.

Mr. Speaker, if you turned this chart upside down it would be more accurate.

So I decided to do my own flow chart, to detail who really gets information from whom around here. I am sorry, I do not have a bigger version, but let me translate this for you.

What starts a real media food chain in America? Well, it starts off with people seeking the truth. Is that not what journalism is all about?

And I will jump, cut to the chase here. It ends up with the American people digesting all of this and with an unbelievable historical sense of fairness determining what is correct and what is not. The liberal dominant media culture throws most of it in the ash can.

For example, last night and this morning, except for the great job done by my Republican whip, NEWT GINGRICH, on one of the morning talking-head shows, the bias demonstrated last night in analysis, particularly on PBS and even worse on public radio today, about the Watergate—excuse me, Freudian slip, the Whitewater hearings—was appalling. It is just the most offensive, left-wing, media bias I have ever seen in my life.

So let us look at the real media food chain. You start with the truth. Now, up here on line 1, I will agree with Carville, it is ex-judge David Hale, all five troopers, Roger Perry, Larry Peterson, Danny Ferguson, Ronnie Anderson and L. D. Brown. Ferguson is the one name, along with Bill Clinton, on the sexual harassment suit of Paula Jones. Ronnie Anderson have five children, and three of them are triplets. I kind of give him an excuse pass. He went on the record with the American Spectator and with the L.A. Times and then went underground. With five kids, he has got a right to protect his income. And there is J.D. Brown, the hottest of all the troopers. Sheffield Nelson we have moved up from line 2 to the top line.

How did Carville forget good old Jim McDougal who just did terribly in a congressional primary down in Arkansas, and his wife, Susan McDougal, who is probably going to start to sing like a canary when they go to settle the suit against her by Zubin Mehta out in California? Totally separate scandal where she allegedly ripped off the great musical impresario who brings us those three great tenors, Placido Domingo, Carreras, and Pavarotti; that is the same man that Susan McDougal is accused of bilking for $300,000 or $400,000.

Then there is Sally Perdue, Bobby Ann Williams, Marilyn Joe Jenkins, and the list of about 20 other women who have a story to tell. They are still popping up all over the landscape. Flowers is in a category by herself. She tape-recorded him, and there is Paula Jones. Carville forgot to put Paula Jones on the media food chain chart. I guess she wasn't on the radar screen them.

These people tell their stories. Then it is analyzed by investigative reporters Chris Ruddy, and by JIM LEACH. JIM LEACH and his excellent staff do work that feeds me information. The same for AL D'AMATO. They are both on the Banking Committee. They both have relevant congressional positions from which they can investigate some of these things.

□ 1540

Then there is Jerry Seper of the Washington Times, an aggressive, excellent reporter. I wish everyone in America could subscribe to the Washington Times to get their front page truth, accurate reporting on all matters coming under Whitewater. Then

there is L.J. Davis, who did a tremendous reporting job in the New Republic. He said he was knocked on the head with some sort of a blunt instrument that knocked him out for an hour or more when he concluded his reporting in Arkansas. Then there is David Brock, the tremendous young reporter for the American Spectator. Give him a name credit on the line. Then there is Floyd Brown and Dave Bossie, whose name I forgot to add. And then there is Bill Remple and Doug Franz of the L.A. Times. They were on Nightline one night, these two investigative reporters for one of my hometown papers, the Los Angeles Times. One of them slipped in describing the troopers. Talking about the veracity of the first four troopers, one of them said, "We believe completely our troopers." Whose troopers? Arkansas's troopers? No. The L.A. Times' troopers, Remple and Franz' troopers. Franz and Remple had tape recorded material that Jack Nelson, the Washington, DC, senior editor for the L.A. Times, would love to destroy if he could get his hands on it. I believe Remple and Franz have trooper Danny Ferguson on tape so vividly and so clearly that if they were ever to release it to the electronic media or at least to the print-media, I believe that the Paula Jones case would soar back to the front pages and Clinton would probably have to resign the presidency. This presidency is in the hands of the L.A. times.

Now, all these folks give their information gleaned from these sources here at the top, to the New York Post, the British dailies—which is a more accurate name than tabloid—to the Wall Street Journal editorial page, Bartley, Gigot, and company, to the Washington Times, to the New Republic, to the American Spectator, and to the L.A. Times. Notice my name has not appeared yet. I am not on the inside in this investigation like Mr. LEACH and Mr. D'AMATO. I get my information from them.

On this next-to-last line, I have BOB DOLE, BOB DORNAN, Bill Safire, Newsweek, U.S. News, U.S. Times, U.S. Local press, European press, local radio talk show host, Rush Limbaugh and AP. BOB DORNAN and BOB DOLE, we pick up the morning papers or the weekly news magazines and then analyzes it. Rush Limbaugh does this on radio. DOLE goes on the U.S. Senate floor. BOB DORNAN does it right here and now, live in living color, sight, sound, motion, reporting on what I have read. That is how I learned of the James Carville story with his little chart printed in the Washington Post. Then the local radio jocks across the country go to work in all 50 States, all the territories. They are a proliferating breed of town hall meetings, God bless them all, liberals, conservatives, and flaming few moderates among them. AP, AP actually we should move back up to this line because they are a daily reporting service. And there is the media food chain coming down to the American people and to the liberal dominant media culture. The American people absorb it. The dominant media culture throws much of it in the ashcan.

Folks, this is my only copy. I would love to distribute this around the country. I would hope the Washington Post would call me, do a follow-up of Carville's chart that he made up for that elitist inside-the-beltway media breakfast. Then I wish they would publish my chart.

Folks, that is the reality of how we get our news in the United States of America.

Now I would like to address a continuing problem I have had with the L.A. Times. I was explaining to some L.A. Times reporters that were doing a few hit pieces on me last week that all my 8 races, and now in race No. 9 I have never really had a fairly described, tough Democratic opponent. So the L.A. Times takes it upon themselves every other year to go after me, close up the numbers in my race and become the No. 1 weapon in my opponent's campaign against me. Every other year I ask them why, did God designate you, the L.A. Times, to try to take me out?

I told them that I am going to correct before they do it again an article from October 1992 that contains several lies about BOB DORNAN, taking quotes that are not true from my opponents, adding quotes that are hearsay statements from someone else that are not true and rolling them over every 2 years back into this profile story on me that makes me so utterly unbelievable, colorful, and flamboyant, that George Patton, George S. Patton could not match up to the image the L.A. Times has created for me.

Three of the lies they perpetuated again last week and in a major profile 3 weeks before the election of 1992. I am going to correct them now. They come out of the 1980 general election, the 1982 primary, and the 1986 general.

I am told by the Speaker that I have 7 minutes remaining. If I give 2 minutes to each one of these lies, I can at least set the groundwork to take the CONGRESSIONAL RECORD tomorrow, fill it in and then fax it to the L.A. Times and ask them if they are going to continue to perpetuate these three vicious lies.

Lie No. 1 is from the 1980 race. Eric Bailey and Bob Stewart wrote this October 18, 1992, story. When I pointed out these three gross lies to them, they said that they would correct it. Bob Stewart has gone on, so he cannot correct it. Eric can.

Eric, listen to my words: Lie No. 1, these are the exact words out of the L.A. Times: "During his 1980 battle for his old Santa Monica-area district against Carey Peck," C-a-r-e-y, who seemed to disappear off the face of the Earth that year, "son of actor Gregory Peck, it took a Justice Department investigation to clear the challenger," Peck, "of Dornan's allegations that Peck accepted $13,000 in illegal cash campaign donations from James H. Dennis, a convicted felon serving time in an Alabama Federal prison for fraud. Dennis said he agreed to make the accusations when Dornan visited him in prison and promised to get the felon better prison status. Dornan denied that any deal existed."

□ 1550

A vicious, foul, untrue story. I have never corrected this on the House floor. I will now.

No. 1, young Kerry Peck, son of Gregory, did take 13 sequentially numbered, thousand dollar, illegal donations from dead people, and children. Gregory Peck, the Academy-Award-winning actor, and I say this sincerely, unknowingly brought back the envelope with this dirty $13,000 of phony cashiers checks from children and dead people to L.A., and gave it to his son. I assume he did not open the envelope. It originated in Alabama where Senator Alan Cranston, who I also think was unknowing in this, asked Gregory Peck to come out, and help, a young sitting Senator named Donald Stewart. James Dennis sent back this dirty money as a favor to Gregory Peck. This James Dennis was 28 years old, stole a million and a half dollars from the State of California, and, when I went to visit him in an Alabama prison to get to the root of the dirty money that the Peck campaign took, I took with me a lawyer, the warden, the U.S. Attorney from southern Alabama, and an FBI representative. We all met in the conference room at Talladega Prison to get to the bottom of this.

James Dennis never asked for special treatment; I never gave it to him, although a month later his brother was killed in a car crash, and, when he was lingering near death, I was in Israel on a narcotics investigation trip, James Dennis called my staff to ask if they could help him go to his brother's deathside bed. The prison said, "No, there's nothing we could do to help him," and his brother died. They did let him go to the funeral in leg shackles and handcuffs.

Quite a character this James Dennis, an absolute better double for Elvis than any of the professionals out there, only better looking. At 28 he stole a million and a half from the State and put these phony checks back into Peck's campaign. Did the Justice Department clear Peck? They did not. The FEC fined Dennis $30,000 and warned Peck to return the money and not to do it again. The Justice Department, under Jimmy Carter, said they did not want any part of it. After all, the election was over.

You got that straight, L.A. Times?

Those are the facts, and I will flesh them out tomorrow. Here is the next lie.

[From the L.A. Times, Oct. 18, 1992]

While making an unsuccessful run for U.S. Senate in 1982, Dornan accused Barry Goldwater Jr. of being involved in a drug scandal on Capitol Hill and assisted law enforcement officials in an investigation.

Lie, lie, lie, lie. The story on Barry broke in September. Our race was over in June. I never knew anything about it. The younger Goldwater was never charged with any wrongdoing.

Go look at the files of our ethics committee investigation here on that case in 1983 when I was not even in Congress.

L.A. Times, it is a filthy, dirty lie that you said I investigated a friend and busted him for cocaine. I never even knew about it. I was with Barry in England when an Air Force colonel handed me a Newsweek magazine with the story in it in mid-September 1982. Barry and I had both been bested in the race by Pete Wilson.

Lie No. 3; you listening, L.A. Times? Shelby Coffey? And Marty Baron? And Faye Fiore? You listening to any of these lies that your great paper has never corrected? Not great until you correct it.

Mr. Speaker, please tell the L.A. Times to correct this stuff; thank you, sir.

Final big lie, and there are a lot of little lies that I will go into next week:

[From the L.A. Times, Oct. 18, 1992]

At a debate during the 1986 race, Dornan launched a furious series of character attacks on his opponent, then-Assemblyman Richard Robinson. He accused the Democrat of influence peddling.

These are the words of the L.A. Times itself from its own investigation, and they are putting their investigative words in my mouth years later.

L.A. Times: Dornan accused the Democrat of influence peddling, bribery, extortion and dealing with teenage prostitutes in Sacramento, all of that in single quotes because it came from a front-page L.A. Times story that, you bet, I put in a brochure and mailed to every home in my district. Who wouldn't? An angry Robinson denied the charges but lost the election.

Mr. Speaker, I had every right to take out a point of personal privilege and do an hour in the middle of the day. I chose to do it this way and not interfere with our legislative procedures. I will give you an autographed copy of this food chain, Mr. Speaker.

## HEALTH CARE REFORM LITIGATION

The SPEAKER pro tempore (Mr. HINCHEY). Under the Speaker's announced policy of February 11, 1994, and June 8, 1994, the gentleman from Oklahoma [Mr. ISTOOK] is recognized for 30 minutes as the designee of the minority leader.

Mr. ISTOOK. Mr. Speaker, I want to address a very severe problem that strikes at the heart of the health care debate that is going on within this Congress and within the Nation right now.

Many of us recall that there was a special task force that was formed by the President. He put the First Lady in charge of that, announced creation of interdepartmental groups. All of this was approximately a year and a half ago when it began. It becomes more and more apparent as time goes on that there has been a great amount of deception that has been practiced in connection with that, a great amount of secrecy attempting to hide from the American people the interests that were involved in promoting the health care plan that the administration is sponsoring, and unfortunately, Mr. Speaker, it appears that that has included lying to Congress in testimony that has been given to a subcommittee of which I am a member.

Mr. Speaker, the gentleman from Iowa [Mr. LIGHTFOOT] and I today have sent a letter to the Attorney General of the United States requesting an investigation into this involving a high administration official, Patsy Thomasson, who is Special Assistant to the President of the United States for Management and Administration and who testified to our subcommittee last year regarding what she claimed and, through her, what the White House claimed was the makeup, the membership, of that task force, and these working groups that were working on the President's health care plan, and how much it cost the American people.

Now, Mr. Speaker, I am grateful for a private group that has been involved in bringing a lot of this to light. A lawsuit was filed last year by the Association of American Physicians and Surgeons, the American Council for Health Care Reform, and the National Legal and Policy Center against Hillary Rodham Clinton, Donna Shalala, the Secretary of Health and Human Services, Lloyd Bentsen, the Secretary of Treasury, Ira Magaziner, a White House adviser, and multiple other members of the administration, seeking something very, very simple, Mr. Speaker. Seeking to have the meetings of that health care task force and its different working groups held in public as they believe, and I believe, is clearly required by the laws of the United States and requiring their documents to be opened to the public, and they have been in litigation in this for months.

First they had a ruling from the district court. The White House appealed it. It came back for further proceedings, and it was now set for trial September 12. On Monday of this week, Mr. Speaker, U.S. Judge Royce Lambert here in the District of Columbia directed that there will have to be a trial for the administration to stand and to answer for what has gone on with this task force with its expenditure of Federal money and who has really been involved in making these decisions. That was definitely a setback for the White House because they have been contending for months that these 500-plus people that were involved in that task force were all Federal employees. They filed a charter saying the expense would be under $100,000, and yet now the plaintiffs in this lawsuit have filed documents with the court showing that 357 people who were members of that task force and the working groups were not Federal employees and contending that about $20 million of taxpayers' money was spent when we were told it might be less than a hundred thousand or, at most, a few hundred thousand, and I am angry, Mr. Speaker, that in testimony to our subcommittee, when we asked about this because we have oversight of the White House appropriations, and they come to us, to our subcommittee, for the money, we were told in testimony by Patsy Thomasson, sent there to represent the White House and the President of the United States, and I quote from documents she submitted to our committee; she claimed, first, the members of the health care task force, which are all Cabinet secretaries of the First Lady, have never been kept secret.

□ 1600

Then she says the reason the names of the working group participants, who were all Federal Government employees, were not immediately released was because they were working very hard on this problem, and we did not want them to be harassed by lobbyists and special interest groups.

She continued in testimony to Congress. She said the working group includes more than 400 people, made up entirely of Federal employees, and repeated a third time in her testimony the working group is made up entirely of Federal employees.

Mr. Speaker, there has been filed in the U.S. District Court a list of over 300 people on those working groups who were not Federal employees, who were being paid by groups such as managed care interests, other health care groups, academia, people from universities and colleges, and people from some multi-billion-dollar foundations, all with interests in health care, all potentially profiting from the Clinton health care plan, that were involved in this. It was not strictly Federal employees.

Because of that, Mr. Speaker, the law says they had to meet in public. They had to keep their records open to the public. And Federal Judge Lamberth,

in a 3-hour hearing Monday, which I attended, asked the Justice Department attorneys, look, the meetings of the task force are over. They have a health care plan that has been submitted to the American people. Why do you still insist upon secrecy?

You know what the Justice Department attorney, Mr. Mark Stern, replied to the judge? He said well, why do they still insist on wanting to know? They want to know because it is the law, Mr. Speaker, because we have the right to know. If we are dealing with one-seventh of the American economy, we have a right to know what interests are involved in putting together this plan on behalf of the White House.

The gentleman from Iowa [Mr. LIGHTFOOT] and I have asked today for an investigation.

Mr. Speaker, I yield to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, first of all, I thank the gentleman for yielding. I would like to personally thank the gentleman from Oklahoma [Mr. ISTOOK] for the personal effort that he has put into this, sitting for 3-plus hours through a hearing, and not sending a staffer to do it, to be there to hear firsthand what the judge had to say.

This issue started with us some months ago in our committee when there was at least a sense that maybe what we were being told was not totally accurate. Then there were a number of reports that appeared in the press that would indicate to the opposite of what we had been told, knowing that sometimes the press does not always get it exactly right, very reluctant to push forward with anything as serious as a letter that has been sent to the Attorney General.

But in light of the court hearing, which the gentleman sat through, the fact that in that document, and as the gentleman just read from our hearing testimony in our subcommittee, a direct quote from Ms. Thomasson, that the working group is made up entirely of Federal employees, this was in response to a letter. So it was not off the cuff.

We had asked, just backing up a bit, asked Ms. Thomasson if she would describe for us the makeup of this working group, and she said first of all, I will consult with the White House with regard to your questions about the health care task force and we will get back to you with some type of an answer.

What the gentleman from Oklahoma [Mr. ISTOOK] just read was her answer, where, as he pointed out, the group was entirely made up of Federal employees.

Yet, the judge has a list, I believe some 26 pages, of people who are not Federal employees, who are tied to all kinds of special-interest groups.

For example, here is chief, medical staff, of a particular hospital. Here is a University of Pittsburgh Center for Medical Ethics. Howard University. You can go through here and pick out about anything you want. The Heller School, a portion of Brandeis University. The National Governors' Association.

These are not Federal employees. These are special-interest-group people who have their fingerprints all over this so-called piece of health care legislation that we will be asked to vote on here, as we are being held here so we can get enough votes to do it.

So, in essence, I really appreciate the efforts of the gentleman from Oklahoma [Mr. ISTOOK] in coming up with factual information, into just press reports, not just hearsay, but black and white comments.

Mr. Speaker, I would again like to thank Mr. ISTOOK for yielding. I have another meeting I have to attend, but I think it is critically important that honesty and integrity be a part of this whole operation. If there is anything in this country that people are upset with, it is the perception, and, unfortunately, sometimes backed by reality, of the dishonesty of people in government. When highly placed officials come before a congressional committee and tell us something that is not true, and it has been verified through their own statements and through legal documents, rather than just hearsay, then we, I think, have an obligation, an oversight obligation on behalf of the American people who elected us, to get to the bottom of the issue.

So, again, I really compliment Mr. ISTOOK for the hours that he has put in in making sure that we do have all the legal documents, that we do have the testimony, and we do have the comparisons made, and also members of both of our staffs who worked very hard making sure that the gun was loaded. You do not want to pull the trigger on a blank at this point, underscoring that we are basically asking the Attorney General to appoint a special counsel because of this obvious relationship with the President, which that would happen in any administration.

Again, thank you for yielding.

Mr. ISTOOK. Thank you, Mr. LIGHTFOOT.

Reclaiming my time, you know, when we mention the deceit that has been practiced in this case, I think it is important to notice what is going on in this court case regarding Ira Magaziner, the special advisor to the President, who was widely considered to be the architect of the Clinton health care plan.

Now, Mr. Magaziner filed an affidavit with the court last March, in March 1993. One of the statements in Mr. Magaziner's affidavit, reading from it, page 4, paragraph 11, he told the court; "Only Federal Government employees serve as members of the interdepartmental working groups," which of course is directly contradicted now by the knowledge that over 300 non-Federal Government employees were involved, which means that all the records, under the law, have to be opened.

Now, is this hearing Monday, Judge Lambert, talking about Mr. Magaziner's conduct and the fact that the plaintiffs have asked that Mr. Magaziner be cited for being in contempt of court, the judge twice from the bench commented in regard to what Mr. Magaziner told the court in 1993, in March, said, "It is not true." It is not true. That in order to retain the secrecy that is so precious to the White House, that is so essential to this administration, there were willing to let the court be told something that was not true. And he asked the attorneys for the Justice Department Monday, he said, that has been 15 months ago. Why didn't you ever file a correction, instead of misleading the court for over a year? And the attorneys for the Justice Department had no good reason, and no good explanation.

□ 1610

So Mr. Magaziner, as part of his September 12 trial, may be held in contempt of court for lying to a U.S. district judge, Royce Lambert. And as the plaintiffs in this lawsuit have said in their papers filed with the court,

> The defendant, Ira Magaziner, made false statements and misled this court and the plaintiffs when he testified under penalty of perjury on March 3rd, 1993 that the interdepartmental working group of the President's task force on national health care reform and its cluster groups, working groups and subgroups, were composed only of full-time employees and special government employees of the Federal Government.

Now, for 15 months that has been the heart and soul of this case. That has been what has been in contention and what has dragged it on, dragged it up to an appellate court and back down, what has kept these documents, and I understand that there are 100 boxes of documents that are being held by the White House in secrecy, all because the Judge was told that all the people involved were Federal employees, and thus there was an exemption to the disclosure laws.

Now, at the hearing Monday, the attorney for the Justice Department said, "Well, judge, we are not pushing that point anymore." The judge asked him, "Well, are you withdrawing your contention?" "Well, we are just saying it does not matter anymore."

There were 43 subdivisions, called working groups, with this health care task force. And do you know what the Justice Department has said in its briefs to the court, they said, well, we are sure that 3 of them anyway, that is 3 out of 43, three of them were entirely Federal employees. And yesterday, in open court, the Justice Department attorneys made a stipulation to the judge

that they would not contest whether these were all Federal employees or not.

Why was Ira Magaziner telling the courts something that was not true? In order to keep the lid on the secrecy of everything that has happened behind the scenes of the Clinton health care plan. Why did Patsy Thomasson tell something to our subcommittee in testimony to Congress that was not true? To keep the lid of secrecy on the Clinton health care plan and who put it together and whose interests are really involved.

There is going to be a lot to pay when this trial is held September 12. Unfortunately, Mr. Speaker, you and I and the other taxpayers here in this room and across the country are the ones who are paying for it. Because the Justice Department is spending our money to continue to make garbage claims to the court, trying to keep the lid of secrecy on. And they are already being held accountable for tens of thousands of dollars of legal fees for the plaintiffs and it will probably go into hundreds of thousands of legal fees that the Government will be asked to pay. That means the taxpayers will be asked to pay, all so the Clinton administration can try to keep the lid of secrecy on how they put together their health care plan.

How can we vote on something when they want to hide from the Congress and from the American people and from the courts how it was put together? How can anyone in good conscience bring that plan to this floor? Mr. Speaker, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I thank the gentleman for yielding. I thank the gentleman from Oklahoma for taking this special order, because he has done extensive work on this issue and brought it to the attention of the House and, certainly, to the attention of this Member.

I did not come down to the floor to make a statement, because the gentleman knows more about what is going on. I came down to the floor because as I was watching the gentleman, several questions were raised in my mind, at least, as to what actually is going on here.

First off, it is amazing to me that the national media does not seem to understand this. I have not read a whole lot about it. In fact, the court case that he is talking about, the trial that is coming in September, I noticed in several of the major papers around the country, received very little play. In fact, a major newspaper I was reading just yesterday put it on the back pages in reporting about this trial that is coming. The national television networks may have reported on it. I do not watch them all the time, but certainly they are not making a very big deal out of this. So the gentleman coming to the floor really highlights what is going on.

The first question that came to mind is he talks about the documents that are being held by the White House: Is it not possible that this House could get a hold of these documents so that we, as a House, can understand what has been going on in the White House in developing the health care reform package? Should not this House, controlled albeit by the Democrats, should not this House be having hearings on this very issue or are they going to use the same excuse that they have always used in the Whitewater affair, that you have to let the legal system run to the end of the rope of the system before Congress ever exercises its responsibility and authority and looking into this?

We are going to make sure that we pass a health care reform bill before we even have hearings on how it was actually written.

Mr. ISTOOK. As the gentleman from Texas, Mr. DELAY knows, I am a freshman Member of this body. So what would I know. But I know that during the last 12 years, whenever there was even the slightest hint that somebody from the administration had deceived or lied to Congress, it was all over the place. There were hearings being held everywhere. Witnesses being subpoenaed; television cameras training in; reporters there to find every word and every nuance that came down.

Here we have testimony to our subcommittee in direct contravention of what the facts are, and it seems to be a very different approach.

Now, maybe someone would suggest that it is because before you had a Democrat Congress, and a Republican administration, and now you have a Democrat Congress and a Democrat administration. You and I would certainly hope that that is not the case. But what other conclusion can reasonable people reach?

This information—we were told by the administration these are the best and the brightest coming in to talk about health care. And they have no special interests involved. They are only from groups like multibillion dollar groups like the Robert Woods Johnson Foundation and the Henry Kaiser Foundation that have been pushing through grants, multimillion dollar grants all over the country toward the type of health care system that the Clinton administration has, that have interests in managed care groups.

There were people from managed care groups, from medical clinics and hospitals and think tank type groups that were not Federal employees but they were all brought in. We were told that was the best and brightest. They put together this plan, even though there are people who will profit from the Clinton plan that were involved in putting it together.

Mr. DELAY. Would not the managed care groups profit from a plan that was first outlined by Hillary Clinton where managed systems would be set up, in essence pushing aside any other sort of insurance and putting all of us under MBO's or the way they put it, managed care systems?

Mr. ISTOOK. Absolutely.

Mr. DELAY. So what in essence they did is they pulled people together that would reflect their own ideology and their own philosophy.

Mr. ISTOOK. And with profit.

Mr. DELAY. And with profit. Pulling people together in secret to write this. I watched the White House, the Whitewater hearings yesterday. Everyone was saying, there is no coverup here. This certainly smacks of coverup.

Mr. ISTOOK. Let me tell you something very important: When the Federal Advisory Commission Act was adopted in 1972, and that is the law that says, when you have a group that is not totally Federal employees but it is federally sponsored and administered and paid for, it has to meet in public, it has to make its papers available to the public and so forth, at that time the report, with the bill that adopted that law, included this statement: One of the great dangers in the unregulated use of advisory committees is that special interest groups may use their membership on such bodies to promote their private concerns.

I think that is exactly what has happened with the task force, and the working group and the cluster groups and the subgroups as they called them that they put together here.

□ 1620

Groups that had a tremendous financial interest, who could gain financially by having a health care plan devised that would help their way of doing business, they got to be the insiders. Look in the Washington Post, on the op-ed page, a column by David S. Broder, and it refers to some earlier writings of Joseph Califano, a former Cabinet Secretary, talking about the fact that the real debate here is over a pot of gold that is worth in excess of $1 trillion because of the value of the expenditures each year for health care in the United States.

If someone can change the system so that they are the ones who profit from the expenditure and the cash flow of this trillion dollars, then obviously they are a special interest, then obviously they have an ax to grind and they have an interest to promote.

I'm not against someone wanting to promote their financial interest, but if they are doing it in a taxpayer-funded group and they are not Government employees, they are supposed to be in the public eye, they are supposed to make their documents and their work products available to the public so we

can look, we can look for the reflections of their financial interest in the end product that came out of that group. That is what happened. The White House continues to try to hide it.

Unfortunately for them, Mr. Speaker, through this litigation that is coming to light, the testimony of Ira Magaziner through the affidavit that the judge is saying is not true, in the course of the testimony of Patsy Thomasson to our subcommittee, what are they? They are part of an effort by the White House to conceal those financial interests. I think it is time that it be brought to light.

Mr. DELAY. I agree with the gentleman about bringing it to light, if the gentleman will continue to yield. It is just amazing to me, the lack of oversight this House is exhibiting, particularly in its committee.

I just want to ask one more question, if the gentleman will continue to yield. I was walking over here and missed the gentleman's presentation about Patsy Thomasson's lying to his subcommittee. Did the gentleman talk about what the subcommittee did when they found out that they were given information that was not exactly the truth?

Mr. ISTOOK. At this point the subcommittee has not acted, and I'm not holding that against the chairman, because I have not yet asked him to act, because we have just completed the compilation of this material and sent the letter to the Attorney General this week.

So I think if the gentleman has someone who is lying to Congress, which is a criminal act, of course, that you need to give the opportunity for the criminal justice system to take an interest in it, even though the Attorney General has a conflict of interest personally, because her office is defending Ira Magaziner and defending the very type of statements that Ira Magaziner and Patsy Thomasson have made.

I am happy to yield to the gentleman from New York [Mr. WALSH].

Mr. WALSH. I thank the gentleman from Oklahoma [Mr. ISTOOK]. I would also like to thank him for holding this special order here tonight.

I would just like to comment for a couple of minutes on the importance of this case, and on the importance of the precedent that has been set. We are talking about a working group that was established just after the President took office, headed by Mrs. Clinton, who we all know is the First Lady, is not elected, but has a very, very, very important role in the conduct of this domestic policy.

Mr. Speaker, the way this task force was put together, it would be very easy to direct the result of this task force by who is impaneled.

Mr. ISTOOK. Let me make a comment about that, Mr. Speaker, because it is fascinating, the twists that the Justice Department, on behalf of the White House, is now going through. Since they can no longer say in good faith to the court that these were all Federal employees, what they are contending to the court is this big working group, this 500-plus people, was not really an organized group at all, and they really did not make a report to the President, which directly contradicts earlier affidavits of Mr. Magaziner.

Let me tell the gentleman from New York what they are calling it. This is from the Government's brief, and they argued the same thing earlier. They said, "The working group truly was a horde, rather than a committee."

They told the committee this was not an organized, structured group, this was an anonymous horde of people who just happened to come together at $20 million or so at taxpayers' expense, just happened to come together and work on these things. Is that ridiculous and laughable, or not?

Mr. WALSH. I would submit to the gentleman, if the gentleman will continue to yield, the impression that the American public and this Congress were given was that this was a serious working group empaneled by the President and the First Lady to arrive at a radical change in our health care delivery system that will affect one-seventh of our total economy and 100 percent of all Americans.

Now they are telling us that this was a——

Mr. ISTOOK. A horde.

Mr. WALSH. An anonymous horde of individuals.

Mr. ISTOOK. We are supposed to trust one-seventh of the American economy to an anonymous horde that was unorganized and did not know what they were doing.

Mr. WALSH. I think the judge also asks the right questions: Why at this point, when we are about to broach the subject legislatively, when we are about to vote on legislation that will affect one-seventh of our economy, 100 percent of all Americans, why are they still holding back on the information that was arrived at 18 months ago?

We are going to be voting on a bill within 2 weeks. We have not seen it yet, which is more business as usual. Who knows, maybe this anomalous horde is in the process of putting this legislation together, too. I would suspect that some of those individuals who are on the task force are working right now with the leadership of the Democratic Party to put this bill before us.

Mr. ISTOOK. I think I can answer that.

Mr. Speaker, I think the gentleman will find the answer to that in many of the claims that are coming from the administration right now, and from this little bus tour that is going on and so forth, because they are standing up and saying, "Look, it is special interests that are trying to stop us."

What they do not want revealed to the American people is, it is special interests which are pushing for the Clinton health care plan, and there are financial motives on both sides of that question, I would say to the gentleman from New York: I have no problem with that. I understand.

As Mr. Broder wrote, it is a $1 trillion pot of gold, but I do not think anybody should pretend that they are acting out of nothing but pure motives and the other side is acting out of financial motives. There are financial motives on both sides.

There are motives of compassion and concern with people's lives and ability to live their lives on both sides, but I really take umbrage at this false pretense, this facade that the administration has that somehow their motives are pure and everyone else's motives are suspect.

That is why they are trying to keep the lid of secrecy on. That is why they were willing to go so far as to have someone file an affidavit with the court that the judge is saying is not true, and why you can go so far as to have testimony to Congress trying to mislead Congress as to how this health care plan was put together.

I think that is the answer to that. I think that all of us in this Chamber and all the people in the country need to be aware of that, and they need to insist upon the openness. I do not want the taxpayer to have to pay the legal fees for those who have brought this lawsuit. I think it is time for those who insisted upon secrecy to be the ones to pay for it. If that means that people at the White House get stuck with a couple of hundred thousand dollars in legal fees, that is their problem, and it should not be ours.

Mr. Speaker, I include for the RECORD a letter, with attachments, dated July 27, 1994, which I sent to Attorney General Janet Reno:

HOUSE OF REPRESENTATIVES,
*Washington, DC, July 27, 1994.*

Hon. JANET RENO,
*Attorney General of the United States, Department of Justice, Washington, DC.*

DEAR MS. RENO: As Minority members of the House Appropriations Subcommittee on Treasury, Postal Service and General Government, we request the appointment of a Special Counsel to investigate two possible violations of 2 U.S.C. Section 192 and 18 U.S.C. Section 1001 by Patsy Thomasson, Special Assistant to the President for Management and Administration.

We believe these violations may have occurred during her testimony before our subcommittee on the cost and membership of the President's National Health Care Task Force.

The appointment of a Special Counsel is necessary because much of what is known about the Task Force has come to light through a civil court case which is being defended by the Justice Department. In the case (Civil Action number 93-399 in the U.S.

District Court for the District of Columbia), the Association of American Physicians and Surgeons has sued Hillary Rodham Clinton, Ira Magaziner, and others for violations of the Federal Advisory Committee Act. The AAPS contends the National Health Care Task Force was not made up solely of federal employees and was subject to the public disclosure requirements of the Act. The defendants are arguing the opposite position. A trial has been ordered.

Since the Department of Justice is representing the defendants in the case, it would be a conflict of interest for the Department to investigate Ms. Thomasson regarding the same matter. To avoid any possible conflict of interest, the appointment of a Special Counsel seems prudent.

The circumstances we ask to be investigated are outlined below. Further details on each one are provided in the attached pages.

The first violation involves Ms. Thomasson's statements on the membership of the President's National Health Care Task Force and the Health Care Working Groups. She made multiple assertions of Congress that all Task Force members were federal government employees. These statements appear to have been false. The Plaintiffs have advised the court that 357 participants were not federal employees.

Please note that White House advisor Ira Magaziner is facing a possible Contempt of Court adjudication for making similar misrepresentations in an affidavit to the court. Your Department is defending him. This further illustrates the conflict-of-interest of your office, and thus the need for a Special Counsel regarding Ms. Thomasson.

The second violation involves Ms. Thomasson's statements regarding the estimated costs of the National Health Care Task Force and its working groups. Her statements to Congress regarding this cost appear to have vastly understated the cost to taxpayers.

Attached are: (1) Details on statements made by Ms. Thomasson before the subcommittee, followed by highly contradictory reports that have come to light through the news media and civil litigation; (2) A 26-page list of persons who, contrary to Ms. Thomasson's testimony, evidently served non-federal employees who served on the Health Care Task Force; (3) A partial summation of Task Force expenses exceeding the amount to which Ms. Thomasson testified; and (4) A copy of the relevant federal status regarding false testimony to Congress.

Making misrepresentations or false statements to Congress is a serious matter. As part of our responsibility to oversee public spending, it is essential that the Subcommittee receive clear and accurate information.

We respectfully request the appointment of a Special Counsel to investigate whether Ms. Thomasson knowingly or willingly violated the law by misleading Members of Congress in her testimony.

Sincerely,

JIM LIGHTFOOT.
ERNEST J. ISTOOK.

ATTACHMENT 1

Possible Violations by Ms. Patsy Thomasson of 2 USC Section 192 and 18 USC Section 1001.

CIRCUMSTANCE #1

Statement by Patsy Thomasson before the House Appropriations Subcommittee on Treasury, Postal Service and General Government on March 30, 1993, with regard to the make-up of the Health Care Task Force and Health Care Working Group:

"First of all * * * I will consult with the White House with regard to your questions about the Health Care Task Force * * * and we will get back to you with some type of answer." (The following written response was submitted by Ms. Thomasson through the White House to add to her statement):

*Health Care Task Force*

"First, the members of the Health Care Task Force, which are all cabinet secretaries and the First Lady, have never been kept secret. The reason the names of the working group participants—who were all federal government employees—were not immediately released was because they were working very hard on this project and we did not want them to be harassed by lobbyists and special interest groups * * *"

"However, Ira Magaziner, Senior Advisor to the President for Policy Development, manages the interdepartmental working group that is charged with gathering information and ideas for the Task Force; the working group includes more than 400 people, made up entirely of federal employees—including more than 90 Congressional staffers.

"The working group is made up entirely of federal employees."

Source: "Hearings before the Treasury, Postal Service and General Government Appropriations Subcommittee, FY 1994," Part 3, pages 389, 483, 484 and 485.

CONTRADICTION

Documents brought to light in the civil suit filed against the government by the Association of American Physicians and Surgeons reveal that large numbers of people who worked on the National Health Care Task Force were not federal government employees. Nor is any discrepancy a minor one. The Plaintiffs most recently contend that 357 persons on the Task Force were not federal government employees. According to an analysis of the documents submitted to the court in "Plaintiffs' Memorandum of Points and Authorities in Support of Motion for Summary Judgment and Permanent Injunction," May 4, 1994, page 186, many members of the Task Force "were not, in any way, employees of the federal government [SGE's and FTE's], and were assigned no official status at all." Attached is the 26-page list, which the Plaintiffs earlier compiled and submitted, of the non-government members of the Task Force and their outside affiliations. This list was drawn from documents previously submitted to the court by the government in that litigation. It identifies 323 separate persons in this category.

The Plaintiffs' memorandum further points out that three Task Force working groups were composed entirely of non-government employees and in fact had no official status with the federal government at all. These working groups were: Cluster Group V, "Ethical Foundations of the New System", Working Group 17, "Bioethics"; Cluster Group XIV, "Numbers Audit", Working Group 34, "Numbers Audit", and Working Group 39, "Minority Issues Review Group."

Even the government, in its May 4, 1994 submission to the court claimed that only "Working Groups 13, 15, 16, 31 and 32 were composed wholly of permanent, full-time federal employees." The government's statement leaves the assumption that at least some of the members of the remaining 38 of the 43 Working Groups, 15 Cluster Groups and 4 Subgroups were not federal government employees.

On July 25, 1994, when directly challenged by U.S. District Judge Royce Lamberth to state whether all Task Force members were federal government employees or not, Justice Department Attorney Mark Stearns was unable to do so.

Mr. Ira Magaziner initially estimated that 98 people would be needed to staff the working groups and that they would be drawn entirely from the White House and various federal agencies. Court documents reveal the actual number of working group members eventually grew to at least 506 people, many of whom represented organization and interests outside the federal government.

In addition, news reports have listed members of the Health Care Task Force working groups as employees of the Robert Woods Johnson Foundation, other interest groups and universities.

According to page one of The Washington Times of March 26, 1993, "A review of group members by The Washington Times has identified a Maryland doctor who has taken paid leave from her job at the state-operated Springfield Hospital Center in Sykesville, near Baltimore, to work for Mrs. Clinton's task force—at a cost to Maryland taxpayers of nearly $20,000."

According to the New York Times of March 19, 1993, one adviser, Thomas O. Pyle, was the head of one of the 15 committees working for the task force on National Health Care Reform. He is also chairman of the Jackson Hole Group, a conclave of health-care executives and policy analysts sometimes described as a brain trust for the Administration. "Trade publications have names of roughly 200 of the more than 500 people working for the task force. Of those who head the 15 working groups, about a dozen are known, including six Federal employees, a state official from California, a professor of sociology and a policy analyst closely identified with an advocacy group for elderly people." "From 1978 to 1991, Mr. Pyle was chief executive of the Harvard Community Health Plan, the largest health maintenance organization in New England." "He said he was still a director of the Millipore Corporation, a multinational high-technology company based in New Bedford, Mass. * * * Millipore sells a wide range of products to drug companies * * *"

It seems abundantly clear that Ms. Thomasson's testimony to Congress was blatantly false, and obviously misled the Congress.

CIRCUMSTANCE #2

Statement by Patsy Thomasson before the House subcommittee on March 30, 1993, with regard to the total costs of the Health Care Task Force and Health Care Working Group:

"Expenses of the working group and Task Force are funded by the Department of Health and Human Services through an interagency agreement with the Office of Policy Development that totals $325,000. The estimate [sic] budget is as follows:

| | |
|---|---|
| Personnel | $32,000 |
| Transportation of things | 1,000 |
| Rental payments to GSA | 72,500 |
| Other rent, comm., util | 10,000 |
| Printing | 60,000 |
| Other services | 60,000 |
| Supplies and materials | 7,500 |
| Furniture and equipment | 32,000 |
| Travel | 50,000 |
| Total | $325,000" |

CONTRADICTION

The official Charter of the "President's Task Force on National Health Care Reform," dated March 17, 1993, states in clause IV, "Established Costs"—"The estimate cost

of the Task Force is expected to be below "$100,000."

The Washington Times, reported March 24, 1994 on the court case brought against the Task Force by the Association of American Physicians and Surgeons states, "The task force spent $4 million on consultants and possibly $16 million more in consulting fees, salaries and expenses," and that "several outsiders * * * were paid $97,000 salaries or $300 an hour in consulting fees."

The Wall Street Journal, in a June 6, 1994 editorial on the court case, stated, "The Task Force spent at least $4 million and possibly as much as $26 million on expenses, salaries and consulting fees."

While the figures reported in the press may not be precise, they, along with court documents, indicate the true costs of the Task Force were far in excess of the amount given in Ms. Thomasson's testimony before the appropriations subcommittee.

More importantly, salary, expense and travel reimbursement documents filed in the court case against the Task Force reveal its true costs to be far more than was represented to Congress by Ms. Thomasson.

Attached is a list of 24 full-time Special Government Employees who served on the Task Force showing the salary and travel compensation they received. Also included in the list are part-time paid members of the Task Force and unpaid members who received travel reimbursement. The list shows that amount of government funds each person received in salary and travel costs.

Government salary expenses for Special Government Employees alone came to almost $550,000. The documents show travel and other reported expenses add up to another $136,000. Full costs reported in documents submitted to the court total over $685,000. These are only the specific costs revealed in records submitted to the court. The true, unreported costs of the Task Force may be much higher.

## UNIVERSAL COVERAGE

The SPEAKER pro tempore (Mr. HINCHEY). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the Chair recognizes the gentleman from Washington [Mr. MCDERMOTT] for 60 minutes.

Mr. MCDERMOTT. Mr. Speaker, as you know, I have made an effort almost every week to talk to my colleagues about one issue in health care reform and how it will affect the American people personally.

I want to talk tonight about an aspect of health care reform that the President made the measuring stick of every proposal—universal coverage.

Tonight, we need to talk about why every American, not just the uninsured, needs universal coverage. We need to talk about what exactly universal coverage means. And we need to talk about why we need universal coverage now.

Universal coverage means every American always has health insurance, insurance that can never be taken away. No matter how your job changes, or whether you are a homemaker or self-employed, or work part time or lose a spouse or move, your health insurance is constant. It is something you can count on. One hundred percent universal coverage is attainable, and contrary to the propaganda you may hear, every other country in the Western world has a system of absolute, guaranteed universal coverage and has for decades. Everyone in other Western countries who needs health care gets it, and those who provide the care get paid for the care they give, period. That's 100 percent universal coverage. Germany has had a system of absolute, complete, guaranteed universal coverage for over a century. Now what are our leaders saying when they suggest that the United States can't really achieve universal coverage? I'll tell you what they are saying. They are saying that Americans aren't as good as the Germans or the French or the Japanese.

They are saying that the American people don't have the will to solve their problems the way the people in other countries—our competitors—do.

They are saying that the American people don't deserve the same protection that people in every other industrialized nation in the world have.

Mr. Speaker, the doubts about whether America can achieve universal coverage or whether it can even occur in this century are unworthy of the American people.

The reality is that we can have universal coverage starting in January, 1996—full, complete, total, guaranteed universal coverage.

And the reality is that every American needs it just as soon as we can pass it.

Let me share a story with you about what having the kind of security our trading partners have means to people who live and work in those countries. I have a friend in my home district of Seattle who is an opera singer with the Seattle Opera Company. She occasionally is a guest performer with a German opera company. From the minute she sets foot on German soil, she and her family have full health insurance in Germany without any concern about what the state of their health insurance is in this country or whether her policy will cover foreign work or travel. Her daughter contracted leukemia and when the mother was performing in Germany, her daughter received full treatment in Germany for her leukemia without any question about when she contracted the leukemia or where her residence was.

There was simply no anxiety about her health coverage or her health care. She had better protection because her mother occasionally performed in Germany than she does in her own country. And Germany spends about half of what we spend per person on health care.

Universal coverage means everyone—everyone—is in the system so there are no more games about who gets care under what circumstances and where. And no more games where you get coverage if you meet one definition but if your life changes, you don't get that insurance anymore.

If everyone is in the health insurance system—and we all know everyone is in—then we don't have to waste any more time, and money, and paper trying to figure out who gets what—and for how long.

So, Mr. Speaker, why does every person and family in America need universal coverage? Because right now most Americans are just one pink slip away from losing his or her health insurance.

Right now, if you lose your job, you lose your health insurance. So you not only have to worry about getting a new job and having some income, but you have to worry that if your child gets sick you may not be able to get her the care she needs.

If your company cancels or cuts back on the benefits it offers in its health insurance package—you and your family are at risk. Right now, if you change jobs or go out on your own in business, you may lose your insurance. Right now, very few people in this country can say with certainty that they absolutely will have health insurance a month from now.

We are the only people in the industrialized world who do not have that certainty. Universal coverage is the only way to get that certainty. But there is another reason to have universal coverage. As a nation, we simply cannot afford to do without it. The poet John Donne said, "no man is an island unto himself." Nowhere is this more true than in health care. Because we don't have universal coverage, everyone who has health insurance pays a higher premium. Because we don't have universal coverage, people get care too late, in emergency rooms, where it costs much more money than it would if they had had timely primary care. And hospitals then look for someone else to pick up the tab. Our whole economy is playing a shell game with health care costs, trying to shift them around to different people who pay. It's called cost-shifting—getting someone else to pay for the people who can't—and it costs the American people a high price.

We will never be able to control health care costs until we have universal coverage. It's that simple. To slow the growth of health care costs, we must have universal coverage. Every other country in the Western world has lower costs than we do, many have better care, and they all have universal coverage. Every year universal coverage is delayed, the costs of health insurance and health care go up.

A study performed for the Catholic Health Association shows that if proposals for insurance reform such as ending the practice of denying health insurance because of a preexisting condition are enacted without universal

coverage, health insurance premiums for families earning between $20,000 and $29,000 will go up almost $500 a year. In other words, universal coverage is essential to keeping the cost of health care down.

In New York State, they tried to do insurance reform without universal coverage. The result was that health insurance costs increased and more people lost their insurance after insurance reform than before. If everyone had been in the system, then insurance reform would have worked. The lesson is clear. Universal coverage is the house of health care reform.

We all know that in most cases it is better to own your own home than to rent an apartment. But what usually keeps people from buying their own homes? The down payment. We have to come up with a down payment—the way to get into the house—or, as a nation, we will just have to keep on renting this inadequate and over-priced apartment. An apartment that is too small, that doesn't suit our needs, that drains our resources and keeps us from ever being able to afford the house.

So how do we get into the house? There is no question that the cheapest, the quickest, the most efficient way to get into the health care house is through single-payer reform. This is the way every other country in the industrialized world got into the house, and they are living there much more comfortably than we are in our poor apartment. Single-payer is the way to absolutely guarantee 100 percent universal coverage within 1 year. Even opponents of single-payer acknowledge that only single-payer could achieve full universal coverage with every "i" dotted and every "t" crossed. Only single-payer guarantees unrestricted free choice of provider and eliminates insurance company interference in the physician/patient relationship. Only single-payer guarantees that you can have a lifetime relationship with your doctor if that is your choice. Only single-payer provides complete benefits including preventive care, all outpatient and hospital services, prescription drugs, children's dental care, mental health services, and comprehensive long-term care.

How is single-payer able to do all this? Very simply. If Americans paid their health insurance premiums to a single national health security fund instead of to all their different insurance companies, and then that single national fund reimbursed health care providers directly for their services the way insurance companies do now, we would save enough money on insurance administration to pay for universal coverage and comprehensive benefits for all Americans. With single-payer, we get to universal coverage immediately. So don't let anyone tell you we have to phase it in over 5 years, or to the end of the century, or beyond. We don't need to wait that long. We can't wait that long.

Remember, every year we postpone it, we lose money because we can't control costs. Every year it will cost more to fix the problem. Every year more people will lose their insurance and we will all have more to worry about. And every year universal coverage is delayed, the chances are greater that something will intervene in Congress to just keep on pushing it back. We will simply lose it.

That's what happened in Massachusetts. They set up universal coverage in 1988 to go into effect in 1993. And it still hasn't happened. Americans need universal coverage that is guaranteed now so that Congress can't undo it once its done. We can have universal coverage by 1997, and the American people should settle for no less.

When we look around the world and the events of the last few years, we see historical developments of almost Biblical proportions. The Berlin Wall has come down and Russia is a struggling democracy. Unbelievably, South Africa has ended apartheid and has implemented a democratic government. Our fellow industrialized countries are climbing—and scaling—the Mount Everests of political challenges. Compared to the challenges these Nations have embraced, the difficulty of reforming our health care system so that we can finally get everyone into the system is so small. It is not Mount Everest. It is not even a hill.

We are the greatest nation in the history of the world. We are the richest and we are the most democratic. It is an outrage to say that we cannot do something as relatively simple as get all our citizens in the largest health care system in the world in less time than it took for de Klerk to end apartheid or Gorbachev to bring down the Berlin Wall.

I urge my colleagues to take the small step—not the big step—of guaranteeing universal coverage for American families and to insist on universal coverage by 1997 so that we can finally move into the house that will give us security for the future.

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□ 1640

## HOW TO WRITE A HEALTH CARE BILL

The SPEAKER pro tempore (Mr. HINCHEY). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, let me just say I want to talk this afternoon about how to write a good health care bill. I was led to decide to give this outline of how to write a good health bill by spending some time this morning on "Good Morning America" and talking about what the Republican bills were trying to do and what their weaknesses were and what I thought the Clinton bill was trying to do and what its weaknesses were.

What struck me was that by the simple act of being candid and saying look, the Republican bills do not do everything, they in fact are stronger on protecting the middle class and on protecting working Americans, they are weaker on reaching the marginal worker and do not do as much as does the Clinton bill; the Clinton bill is stronger on taking care of the marginal worker, but does more to take money away from Medicare and does more to limit the choices of working Americans who have good health insurance. Just by being candid about the fact there were upsides and downsides to both sets of bills, I got a very surprising reaction from people who said it was such a relief to not have somebody just saying mine is perfect and yours is terrible.

On the way back from New York, I began to think about this nutty process we are in the middle of. Here we have an issue which is central to every American, life and death, coverage if you have a serious illness, the shape and nature of our health system, should we focus on preventive care and on wellness and on early detection or should we focus on acute care after you finally get very sick? Should we give the individual control and choice over their doctor, and if so, should they have to pay for that control; or should we insist that the individual go into something like a managed care system, whether it is government or private, and while they lose a certain amount of choice over their doctor or their hospital, they at the same time save a great deal of money?

These are not small questions. Yet watching the last 2 or 3 weeks I think has been a very sad experience for all Americans because instead of calming down and settling down and trying to have a genuine effort between the leaderships of a bipartisan bill, to genuinely have Senator DOLE and Senator MITCHELL and Mr. MICHEL and Speaker FOLEY and the President, and Mr. GEPHARDT and myself, and folks sit in a room and say look, let us try to see how far we can carry America toward a better health system, and let us see how many things we can agree on that have a broad agreement where most people think there have to be changes, instead we are engaged in what is almost an ego game worthy of teenagers.

There is a bus tour going across America. Who cares? What does a bus tour which can be bought and organized and paid for by any large group, whether it is the unions, or it is big business, or it is some ideological group, I mean putting a bus tour together today just means that you have some limited ability to organize, but it means nothing in terms of public policy.

□ 1650

Or we have speeches in which people stand on different platforms and yell at each other across the television sets, but in terms of public policy, none of that really matters. None of that is a good idea.

Then we have the spectacle, and I guess I was led in part to talk about how to write a good health bill by learning yesterday the Senate Finance Committee bill, which I thought I saw being written on July 2, and I was at home for the July 4 break, and I took some time off and spent part of the afternoon watching on C-Span as the Senate Finance Committee marked up what I thought was a bill, and they passed it out that Saturday afternoon. I now have discovered that bill does not exist, that although it is now 25 days later, that they still have not finished writing the bill, so the Congressional Budget Office cannot do its estimates because the bill which they passed over 3 weeks ago does not exist.

Now what do we have? We have the spectacle of the Senate majority leader, who I am told has now dropped his Friday deadline for writing a bill to next Wednesday, although I am told the White House is telling the press they will have votes next Wednesday on a bill which he may not even introduce until Wednesday; I am told by the news media the Democratic majority leader, Mr. GEPHARDT, is working on some document, that there is a 7-page outline of general principles going around, the goal being to somehow magically write a bill, get it analyzed by experts, and bring it to the floor and get it to a fiscal passage vote in 2 weeks.

Now, I just want to say to all of my colleagues, Republicans or Democrats, liberals or conservatives, this is a terrible way to run the most complex society in the world, and it makes no sense. I mean, what do we gain if the Gingrich bill passes by one vote or the Gephardt bill passes by one vote, but they are bad bills? Or they are bills that have such narrow support that they get repealed next year just as happened a couple of years ago when we passed the catastrophic health bill, and a year later we had to repeal it? What are we gaining?

And in the process, look what is happening. The polling numbers indicate more and more Americans oppose any bill that has Clinton's name on it. The polling numbers indicate the country is more and more frightened the Congress will rush to do something dumb, and the spectacle seen around the world of the most complex government, and there is no government in the world which deliberately divides power the way we do, we have a President, and then we have a legislative branch, the legislative branch is divided into two parts, the House and Senate; the House is geographic, or is population-based, the Senate is based on States. So California has many, many Members in the House, but only two in the Senate. Wyoming has only one Member in the House, but has two in the Senate. Senators are elected for 6 years, and only a third are up, and House Members are elected every 2 years, and we only represent the Federal Government. There are State governments and local governments, and under our Constitution all other rights not expressly granted to the Government are retained by the citizens.

We are the most complicated and difficult-to-lead society in the world. Our Founding Fathers deliberately decided they would keep power distributed so no dictator could force the system to work.

For us to try to rush to write a complicated 1,200 or 1,500-page health bill and try to ram it through on a narrowly partisan vote with nobody in the country understanding the bill, no expert having read it, no public hearings, I think, would be tragic, and I think it would be bad government. I think it is bad policy. I think it is bad for America, and I think it is bad for the Congress, and I think all of us are at one level participating in pushing our way to a test of will where you are going to have a real effort to see who can win.

I think it is silly. It is childish.

Instead of having a duel between Senator DOLE and Senator MITCHELL or a duel between the Republican leadership in the House and the Democratic leadership in the House or a name-calling contest between the President and Mrs. Clinton and the Republican leaders around the country, it will be far better for us to take a deep breath, take a step back from the process and say to ourselves, what if we took seriously the health care of the American people, so seriously that we were willing to calm down, quit name-calling, and actually try to write a bill together.

Now, there are a couple of simple principles. What if we were to write a bill that was focused on passing only things that had broad public support and broad public agreement? We would discover, for example, that malpractice reform, that is, lowering the number of lawsuits and lowering the amount of defensive medicine, something which one study indicates would save $76 billion over 5 years, that is pretty popular. Most Americans believe we have too many lawsuits, and they would like to see a less litigious system with fewer lawsuits. So we might include malpractice reform.

There is overwhelming support for the idea that once you have health insurance you should never ever be kicked out because of a precondition, and the insurance companies agree this can be passed, and they can sustain this with almost no difficulty. So we could pass a law in the next few weeks that says that we will have no preconditions ever for people who already have insurance, so the day you get your first health insurance, the first time you go to work, from that day, the rest of your working career you can change jobs, you can take time off, whatever, you are in the system, and as long as you stay in the system, you can never be kicked out for precondition.

That would meet the largest single fear of middle-aged working Americans.

We also know that there is overwhelming support for the idea that small businesses and self-employed people and family farmers and unemployed people should get the very same tax break as the biggest corporations. Today, if you are a giant corporation and you buy health insurance, it is 100 percent tax deductible. If you are self-employed or unemployed or a family farm, it is zero tax deductible. Almost every American agrees that is unfair.

We can find enough savings to be in a position to have the kind of approach that lets us take care of giving the same tax break, the same 100-percent deductibility to small business, to the self-employed, to the unemployed, and to family farms that we give to big corporations. That would solve a big part of the problem. We can do that within the framework of a commonsense bill.

There are other steps we could take. We could expand the number of community health centers so that we would be in a position to reach out to working Americans who are poor and get them an opportunity to have preventive care and to have inexpensive care without having to go to an emergency room. We could say to the States we think that people who are getting Medicaid ought to be in managed care where we begin to have preventive care and wellness programs and lower the cost of taking care of them.

There are some estimates we could save as much as 20 percent of the cost of Medicaid by simply going to managed care for the poorest Americans and getting them into a system where there is, for example, prenatal care, where you have mammograms and check on people, and try to lower the cost.

I am not trying to produce a long list. I am trying to give you a sense that there are very specific reforms that are very real, that are overwhelmingly supported by most Americans, and that could be passed this year without any damage to the system.

We could sit down in a room, either at the White House or here at the Capitol, and I believe that you could have a genuine effort by Senator DOLE and Senator MITCHELL and Congressman MICHEL and Speaker FOLEY and by the President, and you could produce a bill that got 280 or 290 votes in the House and got 60 or 70 votes in the Senate, and the American people would say:

You know, it is really a positive thing to see our elected officials put the country

above party, to see our elected officials put good legislation above scoring points, to see our elected officials quit maneuvering and quit debating and quit manipulating and actually work together constructively.

Now, neither side would necessarily get everything it wants. Neither side would necessarily have all the breakthroughs. But, frankly, if the President, working with Republicans and Democrats alike, passed a good, solid, middle-of-the-road reform bill and he still wanted to fight for a bigger government Clinton-style plan in January, he could come back to the Congress, and in his State of the Union he could outline another set of reforms on top of the ones we passed, and we could start the process again next year.

But what I think that I find so disturbing is the idea that on an issue which is not just about ideology or symbolism, it is literally about life and death, it is literally about 260 million Americans, it is literally about 14 percent of the largest economy in the world, about $1,300,000,000,000, on an issue of this importance, maybe the most important domestic issue of my adult lifetime, that we are being reduced to a series of petty partisan games. We are being reduced to politicians sort of yelling at each other on national TV. We are being reduced to symbols like a bus tour. We are being reduced to, I think, the most degrading and the most deficient process I have seen in a long time.

□ 1700

I mean every Member ought to just think about: What are your citizens back home watching? They are watching the news every day. They are seeing that there is no bill today, there is no Democratic leadership bill today, there is not going to be a Democratic leadership bill tomorrow. Yet we are going to rush without a single hearing, without any expert testimony, without anybody back home having a chance to tell us what is going on, we are going to rush to try to pass a bill of this size before August 12 or August 13? We must look, to any serious adult in this country, like we have just lost our minds, like it makes no sense at all.

So I wanted to come to the floor and offer—this is just for myself, I have not cleared this with Mr. MICHEL, and certainly have not talked to Senator DOLE about it, I am not even offering it as a Republican. I am just saying as somebody who had some time today to think about things, having thought about the reaction I got on "Good Morning, America," by just being candid and open about the fact that the Republican bill is not perfect and the Democratic presidential bill is not perfect and we both have some strengths and they are different, and we both have some weaknesses, that the reaction, the way people thought it was so refreshing to have some elected officials say just, "Hey, nobody is perfect, but let us try together." I wanted to come to the floor and in as open a way as I could say to the President and to Mrs. Clinton and to the Democratic leadership in the House and in the Senate: Why do we not slow the express down? Let us sit down and talk together, let us see if we cannot find a positive reform bill that an overwhelming number of Democrats and Republicans could sign onto together, that did no damage to the current system, that we could take together to the country and show people with great pride this would be better for America and we could explain what the good parts were and we could explain honestly what the costs were and maybe you would have a sense in the country that we have done something good for a change and maybe the Congress did deserve a little respect.

And I think that that approach would be so much better than pork barrel and log rolling and back rooms and secret deals and the kind of chaos mentioned last Friday in the New York Times, where Members are getting goodies for companies and hospitals and people are being taken care of.

I think we are about to head into 2 weeks that are going to look so demeaning and so tawdry and so negative from the standpoint of the average American that whether a bill passes or not this summer, the image of the Congress and the reputation of Congress will take another deep step down and people will be even more disgusted with the way politicians work in Washington.

So I just wanted to come to the floor tonight and say I think we have a chance to do something right for America. I think all of us, Democrats and Republicans, ought to take a deep breath, step back, give up our pride of ownership in whatever we have done so far, talk together, find the pieces of a good bill that we can all agree on, pass them together.

As a Republican, I am willing to have the President have a big bill-signing ceremony, I am willing to have him get a boost in the polls because I think it is better for America if we actually pass a bipartisan bill rather than go through 2 months of just kicking and fighting and a kind of behavior that is going to lower the prestige of the country, lower the prestige of the Government and, frankly, produce a bill that is going to be a dumb bill.

It is going to be very hard under these circumstances no matter who wins, it is going to be hard to write a good bill that we can be proud of in the long run.

So I extend my hand. I am certainly prepared to sit down with the President or Mrs. Clinton and the Democratic leadership in the House and Senate to work together to try to do something good. And then, frankly, in January, if the people who believe in a single-payer system, if the people who believe in a big-government system want to come back and let us try again, and if they want to pursue their approach, fine. That is their right as Americans. We can have a debate over that in the fall. We will have passed a good first-step bill, we can debate the principles of future reform, the President can come to a State of the Union and announce next year where he wants to go.

But to try to ram it through in the next few weeks in total ignorance, with no one really knowing what is in the bill and knowing what it means and knowing what it costs, that I believe is wrong for America, I think it is wrong for every Member of the House and Senate, and I hope we will not do it.

So I hope the Democratic leadership and the President will take up this offer and I hope maybe as early as tomorrow we could sit down and work together to write a good health bill.

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## COMMEMORATION OF THE 50TH ANNIVERSARY OF THE LIBERATION OF GUAM

The SPEAKER pro tempore (Mr. HINCHEY). Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I just returned from Guam where I attended the commemoration of the 50th anniversary of the liberation of Guam and I want to take this opportunity to share with this body and with the nation some thoughts on this important event.

Over 1,200 veterans of the World War II battle to liberate Guam returned to our island as guests of the people of Guam to commemorate the sacrifices that freed our island from enemy occupation, the only American community occupied in World War II.

A highlight of the 50th anniversary commemoration was the dedication of a memorial wall that stands as a great testimony to the courage, heroism, and sacrifice, of two groups of people who came together 50 years ago: One was in uniform and the other was in rags, one used weapons of war and the other used tools for survival, one came in from the sea and the other came down from the hills, one left their families behind, and the other tried to keep their families with them, one liberated the island from without and the other liberated the island from within.

In their meeting the great historical drama that Guam alone could play came to pass, as American soil was liberated from enemy hands, the very first American soil to be occupied since the War of 1812.

The battle-hardened American fighting men came to Guam concerned about meeting a determined enemy. One Marine veteran from the 3d Marine

Division, Mr. Ken Rulf of Grand Junction, CO, wrote to me and his perception was typical of the liberators:

. . . back in 1944 I was a 19-year-old kid who didn't know very much about Guam except that is was important for us to recapture it.

But these men soon came to understand the special nature of this battle among all of those in the pacific, indeed among all the battles of World War II. This was a reoccupation; this was retaking what was once lost, what was once American. And as they saw our people come down from the hills, the soldiers and marines broke down, and they openly wept as they saw Guam's children carrying handmade American flags, imperfect in their design, yet perfectly clear in their representation.

Many veterans of the war in the Pacific, not just those who served on Guam, but also those who served on Guadalcanal, Tarawa, Saipan, Peleliu, the Philippines, Iwo Jima, and Okinawa, have written to me in support of our efforts to honor those who fought in the Pacific theater. While D-day has come to mean Normandy, and while Normandy has attracted national media attention, it is a sad commentary that the Pacific War veterans are left out, are neglected, are forgotten, are denied the honor that this country owes them. As Mr. Emory Aherst of Atlanta reminds us, every island had its D-day too.

Guam has not forgotten—Guam has honored the veterans. Last month here in Washington, we hosted a memorial service and wreath laying ceremony at the Tomb of the Unknown Soldier at Arlington National Cemetery. While the ceremony in Normandy attracted scores of the Nation's leadership to cross the Atlantic, few crossed the Potomac River to attend our remembrance service at Arlington.

Some of the most touching letters I have received were from the widows, sons, and daughters of Pacific War veterans who wrote to say that they never fully appreciated what their husbands or fathers went through, but are now just starting to understand. People like Brad Burke of Birmingham, AL, Mrs. J. Grounds of Corpus Christi, TX, and Pauline Kincaid Sauers of Santa Maria, CA. Each had a story to tell, each remembers a loved one who was a Pacific War veteran.

We will continue to tell the story of Guam and the war in the Pacific as we relate our experiences to comrades, old friends and new friends, and as we remember those who died in the conflict by bombs, mortars, hand grenades and rifle fire, and those civilians who were sacrificed by the brutality of swords and firing squads by an enemy occupier.

And we will continue to tell the story if for no other reason than that the story must be told—to ourselves if not others—for the sake of future generations as well as past ones. The stories which comprise this great historical drama remind us not only that brutality and violence can befall any people, but that all people are capable of courage. The stories teach us great lessons about freedom, sacrifice, and conviction. And if for no one else in the world, we must remain inspired by the history which occurred on Guam, our own history of an American community, occupied and liberated 50 years ago.

## CONFERENCE REPORT ON H.R. 4453

Mr. HEFNER submitted the following conference report and statement on the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-624)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 26, 28, and 33.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 9, 12, 22, and 25, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$550,476,000*; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$66,126,000*; and the Senate agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with a amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$385,110,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$516,813,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$504,118,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$249,056,000*; and the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$170,002,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$267,465,000*; and the Senate agree to the same.

Amendment numbered 30:

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows:

Restore the matter stricken by the Senate, amended as follows:

In lieu of the section designation "Sec. 125." in said amendment, insert: *Sec. 126.* and delete the matter proposed by the Senate.

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 6, 8, 10, 13, 14, 15, 16, 19, 20, 23, 24, 27, 29, 31, and 32.

W.G. (BILL) HEFNER,
THOMAS FOGLIETTA,
CARRIE P. MEEK,
NORMAN D. DICKS,
JULIAN C. DIXON,
VIC FAZIO,
STENY H. HOYER,
RONALD D. COLEMAN,
DAVID R. OBEY,
BARBARA F. VUCANOVICH,
SONNY CALLAHAN,
HELEN DELICH BENTLEY,
DAVID L. HOBSON,
JOSPEH M. MCDADE,
*Managers on the Part of the House.*

JIM SASSER,
DANIEL K. INOUYE,
HARRY REID,
HERB KOHL,
ROBERT C. BYRD,
SLADE GORTON,
TED STEVENS,
MITCH MCCONNELL,
MARK O. HATFIELD,
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, submit the following joint statement of the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

ITEMS OF GENERAL INTEREST

*Matters Addressed by Only One Committee.*—The language and allocations set forth in House Report 103-516 and Senate Report 103-312 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the

House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate have directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

*Reprogramming of Authorized Projects.*—The conferees note that funding for many military construction projects could not be accommodated in this conference agreement because of budget constraints. However, the conferees expect that the Department of Defense Authorization bill for fiscal year 1995, when enacted, will contain authorizations for projects not included in this conference report. In light of this situation, the conferees direct the Department of Defense to give priority consideration to those authorized but unfunded projects in its fiscal year 1996 budget submission for military construction. In addition, the conferees will consider reprogramming requests for such authorized projects that are executable in fiscal year 1995.

*Reprogramming Thresholds.*—The conferees consider it necessary to clarify the reprogramming thresholds that shall apply to all current and future projects for both the active and reserve components. The conferees agree that a dual criteria of 25 percent or $2,000,000, whichever is less, shall apply to both military construction and family housing construction projects. The conferees agree to waive the requirement for reprogramming approval for family housing construction in certain cases involving costs associated with Environmental Hazard Remediation, as explained in the Senate Report 103-312.

*Demolition of Unused Facilities.*—The conferees direct that each of the military services and defense-wide agencies develop a demolition line item and request funds as a part of the fiscal year 1996 Military Construction budget submission. This line item would be used to fund demolition of facilities which are no longer needed that have high ownership costs and/or present a safety or environmental hazard. Although operation and maintenance funds can be used for this purpose, the conferees believe that use of operation and maintenance funds for demolition is given a low priority by local commanders. Therefore, the Department should give serious attention to establishing a demolition line item.

*General Reduction.*—The conferees agree to a general reduction in the amount of $136,671,000 for military services and Defense-Wide agencies. The general reduction is to be applied to the combination of project savings from favorable bids, reduced overhead costs, cancellations due to force structure changes and cancellations due to the 1995 base realignment and closure decisions. This general reduction shall not cancel any project as contained in the table at the end of this conference report. The conferees note that any project cancellation must be reported to the Committee on Appropriations within 21 days.

*Hearing Transcript.*—The House conferees are dissatisfied with the Department regarding the excessive time to edit and return House Military Construction hearing transcripts. In one case, it took four months for the Department to return a transcript. This is unacceptable and the conferees expect more timely service in the future.

*Hawaii-Oahu Family Housing.*—The conferees support the Senate recommendation to return the family housing operation and maintenance funding and program responsibility to the individual military services on Oahu. The conferees agree to reallocate funds among the Services in a lump sum amount, and to allow the services to redistribute the increases and decreases among the various operation and maintenance subaccounts. The distribution of lump sum amounts will not apply in connection with the 10 percent threshold for reporting transfers among operation and maintenance subaccounts.

*Cost-Plus-Fixed Fee Contracts.*—Section 101 of the General Provisions prohibits funds to be used for cost-plus-fixed fee contracts unless approved by the Secretary of Defense. The conferees are aware that this provision may impede environmental research and cleanup services which are usually done on a cost-plus-fixed fee basis and which are critical to cleanup of hazardous wastes and completion of base closure recommendations. The conferees would urge the Secretary to exercise appropriate waiver authority when hazardous waste research and clean-up services are required.

*Base Realignment and Closure—Construction Notifications.*—The conferees have provided full funding for military construction and family housing projects as requested for the Base Realignment and Closure accounts. The conferees find it important that the Congress be advised of any programmatic changes involving the construction of projects. For this reason, the Department is required to notify the Committees on Appropriations 21 days prior to initiation of any project not programmed for construction in the fiscal year 1995 budget justifications as printed in the Military Construction Appropriations for 1995 House Hearings, Part 4. The Department shall also notify the Committees on Appropriations, in a quarterly report, of any projects that are canceled. In the same report, the department shall include those projects for which costs, at the time of award, vary by 25 percent from the costs identified in the budget justifications.

*Base Realignment and Closure—Budget Justifications.*—The conferees direct the Department to include, as a part of the fiscal year 1996 justifications for base realignment and closure, a single consolidated state list of military construction and family housing projects for all rounds of base realignment and closure and for all services and components. The list shall contain project name, estimated costs, and cross reference to justification data (Form 1391).

*Defense Information Systems Agency (DISA).*—The conferees direct the DISA to submit to the Committees on Appropriations by March 1, 1995 a cost analysis and review of the potential savings associated with consolidation of each data center. The report should explain the differences between the July, 1993 estimate of $309,000,000 for DOD's five year one-time costs for this consolidation versus the $417,400,000 estimate contained in the fiscal year 1995 budget justifications.

MILITARY CONSTRUCTION, ARMY

*Amendment No. 1*

The conference agreement appropriates $550,476,000 for Military Construction, Army instead of $623,511,000 as proposed by the House and $489,076,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

*Georgia—Fort Gordon: Battalion Vehicle Facility.*—The conferees note that this facility was destroyed by fire and replacement is estimated to cost $3,500,000. Therefore, the conferees will consider a reprogramming request for this project under 10 U.S.C. 2854.

*Chemical Demilitarization.*—The conferees strongly support the Senate recommendation to transfer the authorization and appropriation for chemical demilitarization facilities to the "Defense-Wide" account. Therefore, the conferees direct the Department to submit all future construction requests for chemical demilitarization facilities in the Defense-Wide military construction account.

*Amendment No. 2*

Earmarks $66,126,000 for study, planning, design, architect and engineer services instead of $67,700,000 as proposed by the House and $62,926,000 as proposed by the Senate.

MILITARY CONSTRUCTION, NAVY

*Amendment No. 3*

Appropriates $385,110,000 for Military Construction, Navy instead of $462,701,000 as proposed by the House and $340,455,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

*Amendment No. 4*

Earmarks $43,380,000 for study, planning, design, architect and engineer services as proposed by the Senate instead of $47,900,000 as proposed by the House.

MILITARY CONSTRUCTION, AIR FORCE

*Amendment No. 5*

The conference agreement appropriates $516,813,000 for Military Construction, Air Force instead of $514,977,000 as proposed by the House and $525,863,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

*Georgia—Moody Air Force Base: Alter Mission Equipment Facility.*—The conferees agree that alteration of the Mission Equipment facility be executed utilizing unspecified minor construction funds.

*North Dakota—Minot Air Force Base: Repair Ramp.*—The conferees agree that the project to replace and repair concrete slabs in the mass parking apron is needed in order that B-52H aircraft and their towing equipment can safely taxi on and off the apron. Such repair qualifies for use of operation and maintenance funds. Therefore, the conferees direct the Air Force to utilize operation and maintenance funds instead of military construction funds for this project.

*Amendment No. 6*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$49,386,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement earmarks $49,386,000 for study, planning, design, architect and engineer services instead of $55,900,000 as proposed by the House and $53,886,000 as proposed by the Senate.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

*Amendment No. 7*

Appropriates $504,118,000 for Military Construction, Defense-Wide instead of $467,169,000 as proposed by the House and $561,039,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

*Hawaii—Tripler Army Medical Center: Parking Structure.*—The conferees agree that no funds will be used for planning and design of a parking structure at Tripler Army Medical Center, Hawaii.

*North Carolina—Fort Bragg: SOF Company Operations Complex (Phase I).*—The conferees agree to provide funding in the amount of $8,000,000 for Phase I of the SOF Company Operations Complex. The Department is directed to include Phase II funding for this project as a part of the fiscal year 1996 budget submission.

*Chemical Demilitarization: Carbon Filtration Systems.*—The conferees recognize a need to provide for Carbon Filtration Systems at all demilitarization locations. Therefore, the conferees agree to provide funding for these systems at two locations (Anniston Army Depot, Alabama and Tooele Army Depot, Utah). Because of the long lead time to acquire these systems, the Department is directed to request funding for these systems for future demilitarization facilities including Pine Bluff Arsenal, Arkansas and Umatilla Army Depot, Oregon.

*Amendment No. 8*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits transfer of funds from "Military Construction, Defense-Wide" to family housing.

It is the intention of the conferees that this transfer authority is available for the execution of energy construction projects related to family housing.

*Amendment No. 9*

Earmarks $51,960,000 for study, planning, design, architect and engineer services as proposed by the Senate instead of $45,960,000 as proposed by the House.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

*Amendment No. 10*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$188,062,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $188,062,000 for Military Construction, Army National Guard instead of $134,235,000 as proposed by the House and $170,479,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

*New Mexico—Taos: Armory.*—The conferees direct the Department to request funding for this project as a part of the fiscal year 1996 budget submission.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

*Amendment No. 11*

Appropriates $249,056,000 for Military Construction, Air National Guard instead of $209,843,000 as proposed by the House and $257,825,000 as proposed by the Senate.

*South Carolina—McEntire ANGB: Add/Alter Communications Facility.*—The conferees agree that the project for addition and alteration to the Communications Facility can be constructed utilizing unspecified minor construction funds. As an alternative, the conferees will consider a reprogramming request.

*Tennessee—Johnson City: Armed Forces Reserve Center.*—The conferees have provided $6,019,000 for the construction of an Armed Forces Reserve Center in Johnson City, Tennessee. The conferees are aware that the city and the Army are in the process of negotiating the location of this new reserve center and the disposition of the old reserve center and the parcel of land it currently occupies. The conferees are further aware that if the old parcel is declared excess to the Department's requirements, the land must either go through the normal General Services Administration's disposal process or legislative authority must be enacted to transfer this land, at fair market value, to the city. In the interim, the conferees expect the Army to award a design contract for this new reserve in fiscal year 1995 and further direct the Army to request any legislative authority that may be necessary to carry out any agreement reached between the Army and Johnson City, Tennessee as to the disposition of the excess reserve facility and parcel of land.

*Amendment No. 12*

Inserts a center heading for "(Transfer of Funds)" as proposed by the Senate.

MILITARY CONSTRUCTION, ARMY RESERVE

*Amendment No. 13*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$57,370,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $57,370,000 for Military Construction, Army Reserve, instead of $39,121,000 as proposed by the House and $40,870,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

*New Jersey—Camp Kilmer: Battle Projection Center.*—It is the intention of the conferees that the Battle Projection Center programmed for future year construction continue to be located at the Kilmer Reserve Center in Edison, New Jersey.

*Amendment No. 14*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which transfers $1,500,000 from the fiscal year 1992 Army Reserve Appropriation to the Army National Guard in order to execute a combined Armed Forces Reserve Center project that was previously authorized and appropriated.

MILITARY CONSTRUCTION, NAVAL RESERVE

*Amendment No. 15*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$22,748,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $22,748,000 for Military Construction, Naval Reserve instead of $12,348,000 as proposed by the House and $18,355,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

*Louisiana—Naval Support Activity, New Orleans: Physical Fitness Facility.*—The conferees direct the Department to request funding for this project as a part of the fiscal year 1996 budget submission.

*Washington—Seattle Joint Armed Forces Reserve Center.*—The conferees direct that the funds provided within the Military Construction, Army Reserve account in fiscal year 1994 for the specific purpose of design of a reserve center at Fort Lawton (Seattle), Washington shall be used for the design of a Joint Armed Forces Reserve Center in Seattle, Washington. The conferees further direct the Department of the Army to award a design contract for this facility without delay.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

*Amendment No. 16*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$57,066,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $57,066,000 for Military Construction, Air Force Reserve instead of $56,378,000 as proposed by the House and $45,840,000 as proposed by the Senate.

*New York-Niagara IAP: Fuel Maintenance Hanger.*—The conferees direct the Department to request funding for this project as a part of the fiscal year 1996 budget submission.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

*Amendment No. 17*

Appropriates $119,000,000 for North Atlantic Treaty Organization Infrastructure as proposed by the House instead of $219,000,000 as proposed by the Senate.

FAMILY HOUSING, ARMY

*Amendment No. 18*

Appropriates $170,002,000 for Construction, Family Housing, Army instead of $160,602,000 as proposed by the House and $173,502,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

*Amendment No. 19*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$1,013,708,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,013,708,000 for Operation and Maintenance, Family Housing Army instead of $1,121,208,000 as proposed by the House and $1,065,708,000 as proposed by the Senate.

*Amendment No. 20*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$1,183,710,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates a total of $1,183,710,000 for Family Housing, Army, instead of $1,281,810,000 as proposed by

the House and $1,239,210,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 18 and 19.

FAMILY HOUSING, NAVY AND MARINE CORPS

*Amendment No. 21*

Appropriates $267,465,000 for Construction, Family Housing, Navy and Marine Corps instead of $269,035,000 as proposed by the House and $229,295,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

*Amendment No. 22*

Appropriates $937,599,000 for Operation and Maintenance, Family Housing, Navy and Marine Corps as proposed by the Senate instead of $853,599,000 as proposed by the House.

*Amendment No. 23*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$1,205,064,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates a total of $1,205,064,000 for Family Housing, Navy and Marine Corps, instead of $1,122,634,000 as proposed by the House and $1,166,894,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 21 and 22.

FAMILY HOUSING, AIR FORCE

*Amendment No. 24*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$277,444,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $277,444,000 for Construction, Family Housing, Air Force instead of $276,482,000 as proposed by the House and $273,355,000 as proposed by the Senate. Funding for specific projects agreed to by the conferees is displayed in the table at the end of this report.

*Washington-McChord Air Force Base: Family Housing.*—The conferees are aware that the Air Force is in the process of conducting a market analysis for determining the housing requirement comprehensively for the Fort Lewis and McChord Air Force Base (Tacoma) area. The conferees direct the Air Force to expeditiously complete the analysis and develop a land acquisition plan and report back to both Committees on Appropriations. In addition, the Department is directed to request funding for both land acquisition and construction of housing units as a part of its fiscal year 1996 budget submission to meet the 208 family housing unit shortfall.

*Amendment No. 25*

Appropriates $824,845,000 for Operation and Maintenance, Family Housing, Air Force as proposed by the Senate instead of $801,345,000 as proposed by the House.

*Amendment No. 26*

Restores House language stricken by the Senate which permits the Air Force to buyout a family housing lease at Comiso, Italy within available funds.

*Amendment No. 27*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert: *$1,102,289,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates a total of $1,102,289,000 for Family Housing, Air Force, instead of $1,077,827,000 as proposed by the House and $1,098,200,000 as proposed by the Senate. This sum is derived from the conference agreement on amendments numbered 24 and 25.

*Amendment No. 28*

Restores House language stricken by the Senate which establishes a cap of $1,800,000,000 for military construction and family housing related to the Base Realignment and Closure Account, Part I.

*Amendment No. 29*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by the Senate. Retain the matter proposed by the Senate, amended as follows:

In lieu of the section designation "Sec. 124." in said amendment, insert: *Sec. 125.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restricts funding for non-compliance with the "Buy America Act" as proposed by the House, and rescinds $25.1 million appropriated in fiscal year 1992 and appropriates $25.1 million for certain costs for consolidation of Coast Guard functions in Martinsburg, West Virginia as proposed by the Senate.

*Amendment No. 30*

Restores House language which states a sense of Congress regarding American-made equipment and products, and deletes rescissions proposed by the Senate.

*Amendment No. 31*

Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by the Senate, amended as follows:

In lieu of the section designation "Sec. 126.", insert: *Sec. 127.*, and retain the matter proposed by the Senate, amended as follows:

In lieu of the section designation "Sec. 126.", insert: *Sec. 128.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement restores House language which prohibits contracts with any person affixing fraudulent "Made in America" labels, and conveys certain land in Seattle, Washington as proposed by the Senate.

*Amendment No. 32*

Reported in technical disagreement. The managers of the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section designation "Sec. 127.", insert: *Sec. 129.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement directs the Secretary of the Army to transfer certain land at Woodbridge, Virginia to the Department of the Interior, as proposed by the Senate.

*Amendment No. 33*

Deletes language proposed by the Senate which states the Sense of the Senate on projects not requested in the annual budget submission.

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| ALABAMA | | |
| ARMY | | |
| REDSTONE ARSENAL | | |
| PHYSICAL FITNESS CENTER | --- | 2,600 |
| AIR FORCE | | |
| MAXWELL AFB | | |
| STUDENT DORMITORIES | 9,600 | 9,600 |
| DEFENSE-WIDE | | |
| ANNISTON ARMY DEPOT | | |
| CARBON FILTRATION SYSTEM | --- | 5,000 |
| ARMY NATIONAL GUARD | | |
| MOBILE | | |
| ARMY AVIATION SUPPORT FACILITY | --- | 7,200 |
| AIR NATIONAL GUARD | | |
| ABSTON ANGS | | |
| RELOCATE 232ND COMBAT COMMUNICATION SQUADRON | --- | 7,100 |
| BIRMINGHAM MAP | | |
| AIRCRAFT PARKING APRON/HYDRANT REFUELING SYSTEM | 15,000 | 15,000 |
| ADD/ALTER SQUADRON OPERATIONS FACILITY | 1,100 | 1,100 |
| COMMUNICATIONS FACILITY | 1,700 | 1,700 |
| UPGRADE DRAINAGE SYSTEM | 2,500 | 2,500 |
| DANNELLY FIELD (MONTGOMERY) | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 700 | 700 |
| TOTAL, ALABAMA | 30,600 | 52,500 |
| ALASKA | | |
| AIR FORCE | | |
| CAPE LISBURNE | | |
| UPGRADE FUEL STORAGE SYSTEM | 2,800 | 2,800 |
| ELMENDORF AFB | | |
| UTILITY UPGRADE | --- | 1,000 |
| RAMP UPGRADE | --- | 4,000 |
| DEFENSE-WIDE | | |
| ELMENDORF AIR FORCE BASE | | |
| HOSPITAL REPLACEMENT (PHASE III) | 66,000 | 66,000 |
| ARMY NATIONAL GUARD | | |
| BETHEL | | |
| SCOUT ARMY AVIATION OPERATIONS FACILITY | --- | 6,380 |
| AIR NATIONAL GUARD | | |
| KULIS ANGB | | |
| COMPOSITE ENGINEERING MAINTENANCE FACILITY | --- | 5,300 |
| TOTAL, ALASKA | 68,800 | 85,480 |
| ARIZONA | | |
| AIR FORCE | | |
| LUKE AFB | | |
| STUDENT PILOT DORMITORY | --- | 4,900 |
| AIR FORCE RESERVE | | |
| LUKE AFB | | |
| COMPOSITE MAINTENANCE FACILITY | --- | 1,800 |
| SQUADRON OPERATIONS FACILITY | --- | 1,900 |
| TOTAL, ARIZONA | --- | 8,600 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| ARKANSAS | | |
| ARMY | | |
| PINE BLUFF ARSENAL | | |
| AMMUNITION DEMILITARIZATION FACILITY (PHASE I).... | 97,000 | --- |
| AIR FORCE | | |
| LITTLE ROCK AFB | | |
| DORMITORY..... | --- | 4,800 |
| DEFENSE-WIDE | | |
| PINE BLUFF ARSENAL | | |
| CHEMICAL MUNITION DEMILITARIZATION FACILITY (PHASE I)..... | --- | 3,000 |
| ARMY NATIONAL GUARD | | |
| WARREN | | |
| ORGANIZATIONAL MAINTENANCE SHOP..... | --- | 802 |
| SEARCY | | |
| ARMORY..... | --- | 2,415 |
| AIR NATIONAL GUARD | | |
| FORT SMITH MAP | | |
| MUNITION STORAGE FACILITY..... | --- | 2,200 |
| REPLACE UNDERGROUND FUEL STORAGE TANKS..... | 440 | 440 |
| TOTAL, ARKANSAS..... | 97,440 | 13,657 |
| CALIFORNIA | | |
| ARMY | | |
| FORT IRWIN (BARSTOW-DAGGETT) | | |
| NATIONAL TRAINING CENTER AIRFIELD (PHASE I)..... | --- | 10,000 |
| NAVY | | |
| CAMP PENDLETON AMPHIBIOUS TASK FORCE | | |
| LANDING CRAFT AIR CUSHION FACILITIES (INCR V)..... | 10,700 | 10,700 |
| CAMP PENDLETON MARINE CORPS AIR STATION | | |
| AIRFIELD COMMUNICATIONS/ELECTRICAL INFRASTRUCTURE. | --- | 6,290 |
| CAMP PENDLETON MARINE CORPS BASE | | |
| AMMUNITION HANDLING FACILITY..... | 570 | 570 |
| CHINA LAKE NAVAL AIR WARFARE CTR WPNS DIV | | |
| AIRCRAFT READY FUEL STORAGE FACILITY..... | 6,000 | 6,000 |
| EL CENTRO NAVAL AIR FACILITY | | |
| POTABLE WATER DISTRIBUTION SYSTEM UPGRADE..... | 1,500 | 1,500 |
| WASTEWATER TREATMENT PLANT UPGRADE..... | 1,500 | 1,500 |
| LEMOORE NAVAL AIR STATION | | |
| BACHELOR ENLISTED QUARTERS MODERNIZATION..... | 7,000 | 7,000 |
| NORTH ISLAND NAVAL AIR STATION | | |
| DREDGING..... | 18,830 | 18,830 |
| PORT HUENEME NAVAL CONSTR BATTALION CTR | | |
| ABRASIVE BLAST AND PAINT SPRAY FACILITY..... | 4,850 | 4,850 |
| WATER PROCESSING SYSTEM UPGRADE..... | 4,800 | 4,800 |
| SAN DIEGO MARINE CORPS RECRUIT DEPOT | | |
| PERSONAL HYGIENE FACILITIES..... | 1,090 | 1,090 |
| SAN DIEGO NAVAL STATION | | |
| CHAPEL AND RELIGIOUS EDUCATION FACILITY..... | 4,100 | 4,100 |
| TWENTYNINE PALMS MARCORP AIR-GRND COMB CTR | | |
| SMALL ARMS RANGE MODERNIZATION..... | 2,900 | 2,900 |
| AIR FORCE | | |
| BEALE AFB | | |
| CONSOLIDATED SUPPORT CENTER..... | --- | 10,400 |
| STORM DRAINAGE FACILITIES..... | 1,450 | 1,450 |
| EDWARDS AFB | | |
| F-22 ALTER ENGINEERING TEST FACILITY..... | 4,550 | 4,550 |
| UPGRADE HYDRANT FUELING SYSTEM..... | 2,500 | 2,500 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| MCCLELLAN AFB | | |
| ADD/ALTER ELECTRONICS OVERHAUL AND TEST RANGE..... | --- | 8,500 |
| TRAVIS AFB | | |
| DORMITORY..... | 2,300 | 2,300 |
| FIREFIGHTER TRAINING FACILITY..... | 1,300 | 1,300 |
| VANDENBERG AFB | | |
| FIREFIGHTER TRAINING FACILITY..... | 1,550 | 1,550 |
| SLFI-UPGRADE NATURAL GAS SYSTEM..... | 5,000 | 5,000 |
| DEFENSE-WIDE | | |
| DEF CONTRACT MGMT OFC - EL SEGUNDO | | |
| ADMINISTRATIVE BUILDING..... | 5,100 | 5,100 |
| MCCLELLAN AIR FORCE BASE | | |
| LIFE SAFETY/SEISMIC/UTILITY UPGRADE..... | 10,280 | 10,280 |
| SAN DIEGO (CORONADO NAVAL AMPHIBIOUS BASE) | | |
| SOF PIER UPGRADE..... | 3,400 | 3,400 |
| ARMY NATIONAL GUARD | | |
| CAMP ROBERTS | | |
| MODIFY RECORD FIRE/MACHINE GUN RANGES..... | --- | 3,910 |
| COMBAT PISTOL RANGE..... | --- | 952 |
| LOS ALAMITOS | | |
| DIRECT SUPPORT LOGISTICS FACILITY..... | --- | 4,218 |
| AIR NATIONAL GUARD | | |
| FRESNO ANGB | | |
| SITE RESTORATION..... | 3,500 | 3,500 |
| MOFFETT NAS | | |
| ALTER VEHICLE MAINTENANCE FACILITY..... | 400 | 400 |
| NORTH HIGHLANDS ANG STATION | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS..... | 400 | 400 |
| AIR FORCE RESERVE | | |
| MARCH AFB | | |
| REPLACE SUBSTATION..... | 3,900 | 3,900 |
| TOTAL, CALIFORNIA..... | 109,470 | 153,740 |
| COLORADO | | |
| AIR FORCE | | |
| PETERSON AFB | | |
| UNDERGROUND FUEL STORAGE TANKS..... | 1,750 | 1,750 |
| ARMY NATIONAL GUARD | | |
| DENVER | | |
| ARMORY..... | --- | 5,000 |
| ENGLEWOOD | | |
| ARMORY..... | --- | 2,725 |
| AIR NATIONAL GUARD | | |
| BUCKLEY ANGB | | |
| ADD TO F-16 FUEL CELL DOCK..... | 1,300 | 1,300 |
| AIRCRAFT WASHRACK AND DEICING PAD..... | 400 | 400 |
| TOTAL, COLORADO..... | 3,450 | 11,175 |
| CONNECTICUT | | |
| ARMY NATIONAL GUARD | | |
| GROTON | | |
| ADD/ALTER AVIATION REPAIR DEPOT..... | --- | 9,000 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| DELAWARE | | |
| AIR FORCE | | |
| DOVER AFB | | |
| PASSENGER PROCESSING TERMINAL | --- | 5,900 |
| DORMITORY | 4,600 | 4,600 |
| TOTAL, DELAWARE | 4,600 | 10,500 |
| DISTRICT OF COLUMBIA | | |
| DEFENSE-WIDE | | |
| BOLLING AFB | | |
| CHILLER COOLING TOWER | 600 | 600 |
| FLORIDA | | |
| NAVY | | |
| JACKSONVILLE FLT/INDUSTRIAL SUPPLY CENTER | | |
| HAZARDOUS AND FLAMMABLE STOREHOUSE ADDITION | 2,200 | 2,200 |
| PENSACOLA NAVAL AIR STATION | | |
| AIR TRAFFIC CONTROL TOWER | 2,100 | 2,100 |
| AIR FORCE | | |
| CAPE CANAVERAL AFS | | |
| CORROSION CONTROL FACILITY | 1,700 | 1,700 |
| DELTA LAUNCH OPERATIONS FACILITY | 7,000 | 7,000 |
| SLFI-UPGRADE ELECTRICAL DISTRIBUTION SYSTEM | 1,750 | 1,750 |
| EGLIN AFB | | |
| RENOVATE CLIMATIC TEST CHAMBER (PHASE II) | 20,000 | 20,000 |
| DEFENSE-WIDE | | |
| EGLIN AUX FIELD 9 | | |
| AQUATIC TRAINING FACILITY | --- | 2,900 |
| HC-130 PARK APRON | 7,500 | 7,500 |
| MC-130 NOSE DOCK/AMU | --- | 5,000 |
| SIMULATOR FACILITY ADDITION | 4,800 | 4,800 |
| ARMY NATIONAL GUARD | | |
| CAMP BLANDING | | |
| WASTEWATER TREATMENT PLANT COMPLIANCE REPAIRS | 2,083 | 2,083 |
| AIR FORCE RESERVE | | |
| EGLIN AUXILIARY FIELD 3 | | |
| RENOVATE AIRMEN DINING FACILITY | --- | 2,650 |
| HOMESTEAD ARB | | |
| HYDRANT AND HOT PIT FUELING SYSTEM | --- | 2,000 |
| MOBILITY PROCESSING FACILITY | --- | 1,150 |
| RENOVATE BARRACKS (BUILDING 475) | --- | 2,550 |
| REPAIR PHYSICAL FITNESS CENTER | --- | 1,400 |
| TOTAL, FLORIDA | 49,133 | 66,783 |
| GEORGIA | | |
| ARMY | | |
| FORT BENNING | | |
| MOBILIZATION DEPLOYMENT WAREHOUSE | 4,650 | 4,650 |
| UPGRADE CARMOUCHE TANK RANGE | --- | 1,900 |
| FORT GORDON | | |
| BRIGADE VEHICLE MAINTENANCE FACILITY | 8,600 | 8,600 |
| CENTRAL VEHICLE WASH FACILITY | 1,650 | 1,650 |
| CONSOLIDATED MAINTENANCE FACILITY | 11,000 | 11,000 |
| SECURE COMPARTMENTED INFORMATION FACILITY | 2,500 | 2,500 |
| WHOLE BARRACKS RENEWAL | 21,000 | 21,000 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| AIR FORCE | | |
| MOODY AFB | | |
| DORMITORY | 3,800 | 3,800 |
| SUPPLY/WAR READINESS SPARES KIT STORAGE | --- | 1,600 |
| UPGRADE AIRFIELD PAVEMENTS | 8,000 | 8,000 |
| ROBINS AFB | | |
| ALTER WEAPON SYSTEMS SUPPORT CENTER | --- | 4,700 |
| J-STARS ADD TO INTEGRATED SUPPORT FACILITY | 3,100 | 3,100 |
| J-STARS DORMITORY | 5,525 | 5,525 |
| J-STARS EXPANDED FLIGHT KITCHEN | 1,850 | 1,850 |
| J-STARS UTILITIES/MISCELLANEOUS SUPPORT | 3,825 | 3,825 |
| UPGRADE STORM DRAINAGE SYSTEM | 2,200 | 2,200 |
| DEFENSE-WIDE | | |
| FORT MCPHERSON | | |
| MEDICAL/DENTAL CLINIC | --- | 13,300 |
| ARMY NATIONAL GUARD | | |
| FT STEWART | | |
| REGIONAL TRAINING SITE MAINTENANCE FACILITY | --- | 2,400 |
| AIR NATIONAL GUARD | | |
| ROBINS AFB | | |
| ALTER B-1 MAINTENANCE HANGER | 2,950 | --- |
| B-1 CONSOLIDATED AIRCRAFT SUPPORT/HYDRANT SYSTEMS | 9,400 | 9,400 |
| B-1 HANGAR COMPLEX | 8,400 | 8,400 |
| ARMY RESERVE | | |
| FT MCPHERSON | | |
| ARMY RESERVE COMMAND HQ (PHASE II) | --- | 21,400 |
| NAVY RESERVE | | |
| ATLANTA NAS | | |
| RESERVE TRAINING BUILDING | --- | 2,650 |
| DOBBINS ARB | | |
| RESERVE TRAINING CENTER ADDITION | --- | 4,600 |
| AIR FORCE RESERVE | | |
| DOBBINS AFB | | |
| FIREFIGHTER TRAINING FACILITY | 1,100 | 1,100 |
| TOTAL, GEORGIA | 99,550 | 149,150 |
| HAWAII | | |
| ARMY | | |
| SCHOFIELD BARRACKS | | |
| WHOLE BARRACKS RENEWAL (PHASE I) | 10,000 | 20,700 |
| NAVY | | |
| KANEOHE BAY MCAS | | |
| CHILD DEVELOPMENT CENTER | --- | 4,900 |
| AIR NATIONAL GUARD | | |
| HICKAM AFB | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 1,000 | 1,000 |
| ARMY RESERVE | | |
| FORT SHAFTER | | |
| ARMY RESERVE CENTER | --- | 9,500 |
| TOTAL, HAWAII | 11,000 | 36,100 |
| IDAHO | | |
| AIR FORCE | | |
| MOUNTAIN HOME AFB | | |
| DORMITORY | 4,950 | 4,950 |
| RENOVATE AIRCRAFT PARKING APRON | --- | 11,000 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| ARMY NATIONAL GUARD | | |
| POST FALLS | | |
| ADD/ALTER ARMORY | --- | 2,500 |
| AIR NATIONAL GUARD | | |
| BOISE AIRPORT | | |
| UPGRADE BASE DRAINAGE | 380 | 380 |
| TOTAL, IDAHO | 5,330 | 18,830 |
| ILLINOIS | | |
| NAVY | | |
| GREAT LAKES PUBLIC WORKS CENTER NAVY | | |
| SANITARY SEWER SYSTEM UPGRADE | 13,000 | 13,000 |
| AIR FORCE | | |
| SCOTT AFB | | |
| UNDERGROUND FUEL STORAGE TANKS | 2,700 | 2,700 |
| TOTAL, ILLINOIS | 15,700 | 15,700 |
| INDIANA | | |
| NAVY | | |
| CRANE NSWC | | |
| ELECTRO-OPTICS CENTER | --- | 7,970 |
| ARMY NATIONAL GUARD | | |
| CAMP ATTERBURY | | |
| AMMUNITION STORAGE POINT | --- | 7,340 |
| STOUT FIELD (INDIANAPOLIS) | | |
| US PROPERTY AND FISCAL OFFICE WAREHOUSE | --- | 4,137 |
| AIR NATIONAL GUARD | | |
| FT WAYNE MAP | | |
| AIRCRAFT DEICING APRON | 400 | 400 |
| FIRE STATION AND AIRCRAFT GROUND EQUIPMENT SHOP | 1,950 | 1,950 |
| FUEL SYSTEMS MAINTENANCE AND CORROSION FACILITY | 5,200 | 5,200 |
| HULMAN FIELD (TERRE HAUTE) | | |
| COMPOSITE SUPPORT FACILITY | --- | 3,200 |
| AIR FORCE RESERVE | | |
| GRISSOM AFB | | |
| CANTONMENT AREA ENVIRONMENTAL COMPLIANCE | 2,200 | 2,200 |
| TOTAL, INDIANA | 9,750 | 32,397 |
| IOWA | | |
| ARMY NATIONAL GUARD | | |
| CAMP DODGE | | |
| BATTALION COMPLEX (PHASE III) | --- | 4,678 |
| ORGANIZATIONAL MAINTENANCE SUB-SHOP | --- | 877 |
| AIR NATIONAL GUARD | | |
| DES MOINES IAP | | |
| FIRE SUPPRESSION SYSTEM | --- | 2,300 |
| MUNITIONS MAINTENANCE AND STORAGE COMPLEX | --- | 3,900 |
| TOTAL, IOWA | --- | 11,755 |
| KANSAS | | |
| AIR FORCE | | |
| MCCONNELL AFB | | |
| STORM DRAINAGE FACILITIES | 500 | 500 |
| ARMY NATIONAL GUARD | | |
| FORT RILEY | | |
| ADD/ALTER DYNOMOMETER FACILITY | --- | 1,700 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| SALINA | | |
| NICKELL BARRACKS TRAINING CENTER (PHASE II) | --- | 4,260 |
| AIR NATIONAL GUARD | | |
| FORBES FIELD (PAULINE) | | |
| SITE RESTORATION AND FUEL STORAGE TANK REMOVAL | 2,950 | 2,950 |
| RUNWAY UPGRAPE | --- | 4,800 |
| UPGRADE SANITARY SEWER SYSTEM | 670 | 670 |
| TOTAL, KANSAS | 4,120 | 14,880 |
| KENTUCKY | | |
| ARMY | | |
| FORT CAMPBELL | | |
| EDUCATION FACILITY (PHASE I) | --- | 8,100 |
| EXPAND RAILROAD NETWORK | 14,400 | 14,400 |
| TACTICAL EQUIPMENT SHOP (PHASE I) | --- | 8,000 |
| WHOLE BARRACKS RENEWAL | 22,000 | 22,000 |
| FT KNOX | | |
| MULTIPURPOSE TRAINING RANGE | --- | 5,300 |
| SIMULATOR FACILITY | --- | 3,200 |
| ARMY NATIONAL GUARD | | |
| WESTERN KENTUCKY RTC (MADISONVILLE) | | |
| BATTLE TRAINING CENTER (PHASE I) | --- | 6,500 |
| AIR NATIONAL GUARD | | |
| STANDIFORD FIELD (LOUISVILLE) | | |
| FUEL CELL AND CORROSION CONTROL DOCK | 2,950 | 2,950 |
| TOTAL, KENTUCKY | 39,350 | 70,450 |
| LOUISIANA | | |
| AIR FORCE | | |
| BARKSDALE AFB | | |
| CONVENTIONAL MUNITIONS STORAGE FACILITY (PHASE I) | --- | 6,000 |
| REPLACE APRON/HYDRANT FUEL SYSTEM (PHASE III) | --- | 8,200 |
| STORM DRAINAGE FACILITIES | 1,500 | 1,500 |
| ARMY NATIONAL GUARD | | |
| RUSTON | | |
| ARMORY REHABILITATION | --- | 2,745 |
| AIR NATIONAL GUARD | | |
| NEW ORLEANS NAS | | |
| ADD/ALTER MAINTENANCE HANGAR | --- | 5,100 |
| NAVY RESERVE | | |
| NEW ORLEANS NAVAL AIR STATION | | |
| ARMING PAD | 840 | 840 |
| AIR FORCE RESERVE | | |
| BARKSDALE AFB | | |
| ADD/ALTER FACILITIES FOR CONVERSION | 5,000 | 5,000 |
| TOTAL, LOUISIANA | 7,340 | 29,385 |
| MAINE | | |
| ARMY NATIONAL GUARD | | |
| AUGUSTA | | |
| ARMORY | --- | 3,900 |
| AIR NATIONAL GUARD | | |
| BANGOR IAP | | |
| REFUELING VEHICLE MAINTENANCE FACILITY | 379 | 379 |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 840 | 840 |
| SQUADRON OPERATIONS FACILITY | --- | 8,800 |
| TOTAL, MAINE | 1,219 | 13,919 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| MARYLAND | | |
| ARMY | | |
| ADELPHI LAB CENTER | | |
| COMPUTER CENTER | 6,600 | 6,600 |
| EDGEWOOD ARSENAL | | |
| ELECTRICAL DISTRIBUTION FACILITY | --- | 2,600 |
| NAVY | | |
| INDIAN HEAD NSWC | | |
| DENITRATION/ACID MIX FACILITY | --- | 6,400 |
| UPGRADE POWER PLANT | --- | 4,000 |
| PATUXENT NAWC | | |
| ADVANCE SYSTEM INTEGRATION FACILITY (PHASE III) | --- | 10,000 |
| AIR INTEROPERABILITY CENTER (PHASE I) | --- | 4,200 |
| US NAVAL ACADEMY (ANNAPOLIS) | | |
| REPLACE FIRE STATION | --- | 1,900 |
| AIR FORCE | | |
| ANDREWS AFB | | |
| DORMITORY | 6,300 | 6,300 |
| DEFENSE-WIDE | | |
| FORT MEADE | | |
| CRITICAL SUBSTATION CONTROL | 5,458 | 5,458 |
| FRIENDSHIP AIRPORT ANNEX II PURCHASE | 14,800 | --- |
| SUPERCOMPUTER FACILITY (PHASE II) | 12,720 | 12,720 |
| ARMY NATIONAL GUARD | | |
| MONTROSE | | |
| ARMORY | --- | 4,558 |
| TOTAL, MARYLAND | 45,878 | 64,736 |
| MASSACHUSETTS | | |
| ARMY NATIONAL GUARD | | |
| WESTFIELD | | |
| ADD/ALTER ORGANIZATIONAL MAINTENANCE SHOP | --- | 1,200 |
| TAUNTON | | |
| ARMORY | --- | 2,900 |
| AIR FORCE RESERVE | | |
| WESTOVER AFB | | |
| REPLACE TAXIWAY | 5,100 | 5,100 |
| REPLACE UNDERGROUND STORAGE TANKS | 1,000 | 1,000 |
| TOTAL, MASSACHUSETTS | 6,100 | 10,200 |
| MICHIGAN | | |
| ARMY NATIONAL GUARD | | |
| CALUMET | | |
| RENOVATE ARMORY | --- | 120 |
| FORT CUSTER | | |
| COMBAT PISTOL QUALIFICATION RANGE | --- | 400 |
| MODIFY RECORD RANGE | --- | 900 |
| AIR NATIONAL GUARD | | |
| ALPENA COUNTY REGIONAL AIRPORT | | |
| FIREFIGHTER TRAINING FACILITY | 750 | 750 |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 385 | 385 |
| SELFRIDGE ANGB (MT CLEMENS) | | |
| REPAIR ROADS AND PARKING LOT | --- | 2,045 |
| UPGRADE HEATING SYSTEM | 5,400 | 5,400 |
| UPGRADE SANITARY SEWER SYSTEM | --- | 610 |
| UPGRADE STORM DRAINAGE SYSTEM | 840 | 840 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| WK KELLOGG REGIONAL AIRPORT | | |
| FIRE STATION AND AIRCRAFT GROUND EQUIPMENT SHOP... | 1,600 | 1,600 |
| TOTAL, MICHIGAN..... | 8,975 | 13,050 |
| MINNESOTA | | |
| AIR NATIONAL GUARD | | |
| MINNEAPOLIS/ST PAUL IAP | | |
| SQUADRON OPERATIONS/AEROMEDICAL TRAINING FACILITY. | --- | 8,000 |
| MISSISSIPPI | | |
| AIR FORCE | | |
| COLUMBUS AFB | | |
| ENLISTED DORMITORY..... | --- | 10,000 |
| T-1 JAYHAWK MAINTENANCE SUPPORT FACILITY..... | --- | 3,200 |
| KEESLER AFB | | |
| UPGRADE FIRE SUPPRESSION SYSTEM..... | 640 | 640 |
| 7-LEVEL TRAINING CLASSROOMS..... | 1,800 | 1,800 |
| 7-LEVEL TRAINING DORMITORY..... | 8,800 | 8,800 |
| ARMY NATIONAL GUARD | | |
| CRYSTAL SPRINGS | | |
| ARMORY..... | --- | 2,250 |
| WINONA | | |
| ARMORY..... | --- | 1,650 |
| AIR NATIONAL GUARD | | |
| GULFPORT-BILOXI REGIONAL AIRPORT | | |
| TROOP TRAINING QUARTERS..... | --- | 5,300 |
| OPERATIONS AND SUPPORT FACILITY..... | --- | 2,250 |
| THOMPSON FIELD (JACKSON) | | |
| FIRE STATION..... | --- | 1,750 |
| TOTAL, MISSISSIPPI..... | 11,240 | 37,640 |
| MISSOURI | | |
| AIR FORCE | | |
| WHITEMAN AFB | | |
| B-2 ADD/ALTER APRON, TAXIWAY AND CONVOY ROADS..... | 4,600 | 4,600 |
| B-2 ADD/ALTER DOCK AND HANGAR FIRE PROTECTION SYS. | 3,400 | 3,400 |
| B-2 AIRCRAFT MAINTENANCE DOCKS/HYDRANT FUELING.... | 15,000 | 15,000 |
| STORM DRAINAGE FACILITIES..... | 1,290 | 1,290 |
| ARMY NATIONAL GUARD | | |
| COLUMBIA | | |
| ARMORY..... | --- | 1,415 |
| JEFFERSON CITY | | |
| DEFENSE ACCESS ROAD..... | --- | 1,396 |
| AIR NATIONAL GUARD | | |
| JEFFERSON BARRACKS ANG SITE | | |
| REPLACE FUEL TANKS/UPGRADE REFUEL SHOP/PAINT BOOTH | 500 | 500 |
| ROSECRANS AIRPORT (ST JOSEPH) | | |
| CIVIL ENGINEERING MAINTENANCE FACILITY..... | --- | 3,000 |
| ADVANCED TACTICAL AIRLIFT TRAINING CENTER..... | --- | 2,150 |
| ST LOUIS-LAMBERT FIELD | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS..... | 440 | 440 |
| TOTAL, MISSOURI..... | 25,230 | 33,191 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| MONTANA | | |
| AIR FORCE | | |
| MALMSTROM AFB | | |
| UNDERGROUND FUEL STORAGE TANKS | 3,200 | 3,200 |
| UNDERGROUND FUEL STORAGE TANKS MINUTEMAN III FACS. | 4,000 | 4,000 |
| AIR NATIONAL GUARD | | |
| GREAT FALLS IAP | | |
| ADD/ALTER FUEL CELL AND CORROSION CONTROL HANGAR | 1,150 | 1,150 |
| MUNITION STORAGE FACILITY | --- | 3,150 |
| TOTAL, MONTANA | 8,350 | 11,500 |
| NEBRASKA | | |
| AIR FORCE | | |
| OFFUTT AFB | | |
| STORM DRAINAGE FACILITIES | 1,500 | 1,500 |
| UNDERGROUND FUEL STORAGE TANKS | 760 | 760 |
| AIR NATIONAL GUARD | | |
| LINCOLN MAP | | |
| PARKING APRON AND HYDRANT REFUELING SYSTEM | 14,274 | 14,274 |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 500 | 500 |
| TOTAL, NEBRASKA | 17,034 | 17,034 |
| NEVADA | | |
| AIR FORCE | | |
| NELLIS AFB | | |
| RELOCATE WATER STORAGE TANK | --- | 600 |
| ARMY NATIONAL GUARD | | |
| WASHOE COUNTY (STEAD) | | |
| ARMORY | --- | 5,520 |
| ARMY RESERVE | | |
| LAS VEGAS | | |
| ARMED FORCES RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP (PHASE I) | --- | 10,000 |
| TOTAL, NEVADA | --- | 16,120 |
| NEW JERSEY | | |
| ARMY | | |
| MILITARY OCEAN TERMINAL BAYONNE | | |
| PAVE CARGO STAGING AND HOLDING AREA | 4,050 | 4,050 |
| NAVY | | |
| LAKEHURST NAVAIRWARFARE CTR AIRCRAFT DIV | | |
| POTABLE WATER DISTRIBUTION SYSTEM ADDITION | 2,950 | 2,950 |
| AIR FORCE | | |
| MCGUIRE AFB | | |
| DORMITORY | 1,600 | 1,600 |
| DORMITORY | 8,700 | 8,700 |
| UPGRADE SANITARY SEWER SYSTEM | 4,800 | 4,800 |
| UPGRADE STORM DRAINAGE FACILITIES | 1,900 | 1,900 |
| DEFENSE-WIDE | | |
| FORT DIX | | |
| HOSPITAL LIFE SAFETY UPGRADE | 2,000 | 2,000 |
| AIR NATIONAL GUARD | | |
| MCGUIRE AFB | | |
| CONSOLIDATED AIRCRAFT PARKING APRON | --- | 9,600 |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 1,000 | 1,000 |
| TOTAL, NEW JERSEY | 27,000 | 36,600 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| NEW MEXICO | | |
| NAVY | | |
| WHITE SANDS NAVAL ORD MISSILE TEST STATION | | |
| WEAPONS TEST RANGE | 1,390 | 1,390 |
| AIR FORCE | | |
| HOLLOMAN AFB | | |
| DORMITORY | 3,950 | 3,950 |
| F-117A HANGAR | --- | 7,000 |
| KIRTLAND AFB | | |
| UNDERGROUND FUEL STORAGE TANKS | 3,200 | 3,200 |
| CHILD CARE CENTER | --- | 3,500 |
| BASE SUPPORT CENTER/DINING HALL | --- | 9,500 |
| REPAIR WATER DISTRIBUTION CENTER | --- | 8,800 |
| UPGRADE ELECTRICAL DISTRIBUTION SYSTEM (PHASE I) | --- | 3,000 |
| DEFENSE-WIDE | | |
| KIRTLAND AFB | | |
| AIRCREW TRAINING FACILITY | 9,600 | 9,600 |
| AIR NATIONAL GUARD | | |
| KIRTLAND AFB | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 900 | 900 |
| TOTAL, NEW MEXICO | 19,040 | 50,840 |
| NEW YORK | | |
| ARMY | | |
| FORT DRUM | | |
| MULTIPURPOSE RANGE COMPLEX | --- | 12,600 |
| U S MILITARY ACADEMY (WEST POINT) | | |
| RENOVATE FOOD PROCESSING FACILITY | 28,000 | 28,000 |
| ARMY NATIONAL GUARD | | |
| CAMP SMITH | | |
| UPGRADE WATER AND WASTEWATER SYSTEMS | --- | 1,820 |
| AIR NATIONAL GUARD | | |
| HANCOCK FIELD (SYRACUSE) | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 580 | 580 |
| NIAGARA FALLS INTERNATIONAL AIRPORT | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 640 | 640 |
| STRATTON ANGB (SCHENECTADY) | | |
| FIRE STATION/GROUND EQUIPMENT/SECURITY/MEDICAL TRAINING FACILITY | --- | 3,200 |
| TOTAL, NEW YORK | 29,220 | 46,840 |
| NORTH CAROLINA | | |
| ARMY | | |
| FORT BRAGG | | |
| WHOLE BARRACKS RENEWAL | 29,000 | 29,000 |
| SUNNY POINT ARMY TERMINAL | | |
| DREDGE TERMINAL ENTRANCE | 16,500 | 16,500 |
| HOLDING PAD | 5,700 | 5,700 |
| NAVY | | |
| CAMP LEJEUNE MARINE CORPS BASE | | |
| MULTI-PURPOSE TRAINING RANGE COMPLEX | 10,400 | 10,400 |
| OIL SPILL PREVENTION | 4,450 | 4,450 |
| CHERRY POINT MARINE CORPS AIR STATION | | |
| CYROGENICS FACILITY | 2,100 | 2,100 |
| AIR FORCE | | |
| POPE AFB | | |
| AIRCRAFT PARKING APRON LIGHTING | 1,500 | 1,500 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| BRIDGE, ROAD, AND UTILITIES | 4,000 | 4,000 |
| COMBAT CONTROL TEAM FACILITY | --- | 2,450 |
| FIREFIGHTER TRAINING FACILITY | 1,100 | 1,100 |
| DEFENSE-WIDE | | |
| FORT BRAGG | | |
| HOSPITAL REPLACEMENT (PHASE III) | 75,000 | 75,000 |
| SOF COMPANY OPERATIONS COMPLEX (PHASE I) | --- | 8,000 |
| ARMY NATIONAL GUARD | | |
| KINSTON | | |
| ARMORY AND ORGANIZATIONAL MAINTENANCE SHOP | --- | 3,519 |
| AIR NATIONAL GUARD | | |
| DOUGLAS MAP (CHARLOTTE) | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 690 | 690 |
| STANLY COUNTY | | |
| COMPOSITE TRAINING FACILITY | --- | 5,100 |
| AIR FORCE RESERVE | | |
| KINSTON REGIONAL AIRPORT | | |
| HOLDING APRON AND RUNWAY IMPROVEMENTS | --- | 4,960 |
| TOTAL, NORTH CAROLINA | 150,440 | 174,469 |
| NORTH DAKOTA | | |
| AIR FORCE | | |
| GRAND FORKS AFB | | |
| UNDERGROUND FUEL STORAGE TANKS/MISSILE FACILITIES | 5,200 | 5,200 |
| MINOT AFB | | |
| STORM DRAINAGE FACILITIES | 1,500 | 1,500 |
| UNDERGROUND FUEL STORAGE TANKS | 1,400 | 1,400 |
| UNDERGROUND FUEL STORAGE TANKS/MISSILE FACILITIES | 2,950 | 2,950 |
| TOTAL, NORTH DAKOTA | 11,050 | 11,050 |
| OHIO | | |
| AIR FORCE | | |
| WRIGHT-PATTERSON AFB | | |
| ACQUISITION MANAGEMENT CENTER (PHASE II) | --- | 18,300 |
| SPECIAL OPERATIONS INTELLIGENCE FACILITY | --- | 4,900 |
| UPGRADE STORM DRAINAGE SYSTEM | 3,350 | 3,350 |
| DEFENSE-WIDE | | |
| DEFENSE CONSTRUCTION SUPPLY CENTER (COLUMBUS) | | |
| FIRE STATION | 2,200 | 2,200 |
| ARMY NATIONAL GUARD | | |
| RAVENNA | | |
| ARMORY/TRAINING SITE SUPPORT FACILITY | --- | 4,500 |
| AIR NATIONAL GUARD | | |
| MANSFIELD LAHM AIRPORT | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 770 | 770 |
| SPRINGFIELD MAP | | |
| ADD/ALTER FUEL CELL AND CORROSION CONTROL DOCK | 1,250 | 1,250 |
| MEDICAL TRAINING AND DINING HALL FACILITY | --- | 4,300 |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 400 | 400 |
| TOLEDO EXPRESS AIRPORT | | |
| AIRCRAFT DE-ICING APRON | 320 | 320 |
| BASE CIVIL ENGINEER MAINTENANCE COMPLEX | --- | 2,540 |
| AIR FORCE RESERVE | | |
| YOUNGSTOWN MAP | | |
| INDUSTRIAL WASTE WATER PRETREATMENT FACILITY | 500 | 500 |
| TOTAL, OHIO | 8,790 | 43,330 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| OKLAHOMA | | |
| ARMY | | |
| FORT SILL | | |
| WHOLE BARRACKS RENEWAL | 18,000 | 18,000 |
| AIR FORCE | | |
| ALTUS AFB | | |
| ADD/ALTER DORMITORY | 3,750 | 3,750 |
| TINKER AFB | | |
| CORROSION CONTROL FACILITY (DBOF) | 8,400 | 8,400 |
| EXTEND AND UPGRADE ALTERNATE RUNWAY | --- | 10,800 |
| STORM DRAINAGE SYSTEM | 1,243 | 1,243 |
| VANCE AFB | | |
| ALTER DORMITORIES | 2,300 | 2,300 |
| FIREFIGHTER TRAINING FACILITY | 980 | 980 |
| UPGRADE AIRCRAFT PARKING APRON | --- | 5,500 |
| UPGRADE SANITARY SEWER SYSTEM | 1,100 | 1,100 |
| UPGRADE STORM DRAINAGE SYSTEM | 1,800 | 1,800 |
| ARMY NATIONAL GUARD | | |
| OKLAHOMA CITY | | |
| BARRACKS AND CLASSROOMS, OKLAHOMA MILITARY ACADEMY | --- | 4,463 |
| AIR NATIONAL GUARD | | |
| TULSA IAP | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 700 | 700 |
| AIR FORCE RESERVE | | |
| TINKER AFB | | |
| UPGRADE RAMP/HYDRANT FUELING SYSTEM | --- | 10,200 |
| TOTAL, OKLAHOMA | 38,273 | 69,236 |
| OREGON | | |
| ARMY | | |
| UMATILLA ARMY DEPOT | | |
| AMMUNITION DEMILITARIZATION FACILITY (PHASE I) | 179,000 | --- |
| DEFENSE-WIDE | | |
| UMATILLA ARMY DEPOT | | |
| CHEMICAL MUNITION DEMILITARIZATION FACILITY (PHASE I) | --- | 12,000 |
| ARMY NATIONAL GUARD | | |
| PENDLETON | | |
| AVIATION SUPPORT FACILITY | --- | 2,000 |
| HERMISTON | | |
| ARMORY | --- | 1,713 |
| AIR NATIONAL GUARD | | |
| CAMP RILEA | | |
| COMMUNICATION ELECTRONICS TRAINING COMPLEX | --- | 4,650 |
| PORTLAND IAP | | |
| SITE RESTORATION | 1,700 | 1,700 |
| TOTAL, OREGON | 180,700 | 22,063 |
| PENNSYLVANIA | | |
| ARMY | | |
| TOBYHANNA ARMY DEPOT | | |
| INDUSTRIAL OPERATIONS FACILITY | --- | 17,000 |
| NAVY | | |
| PHILADELPHIA NAVAL SHIPYARD | | |
| PIER 4 REHABILITATION (PHASE II) | --- | 6,000 |
| RENOVATION AND MODERNIZATION OF FOUNDRY (PHASE II) | --- | 4,500 |
| ARMY NATIONAL GUARD | | |
| ARMSTRONG COUNTY/FORD CITY | | |
| ARMORY | --- | 1,982 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| FORT INDIANTOWN GAP | | |
| ELECTRICAL TARGETING SYSTEM UPGRADE | --- | 770 |
| FLIGHT SIMULATOR AND AEROMEDICAL COMPLEX | --- | 4,584 |
| BARRACKS | --- | 6,200 |
| WESTMORELAND COUNTY/MOUNT PLEASANT TOWNSHIP | | |
| ARMORY | --- | 3,594 |
| AIR NATIONAL GUARD | | |
| GREATER PITTSBURGH INTERNATIONAL AIRPORT | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 500 | 500 |
| HARRISBURG IAP | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 690 | 690 |
| FT INDIANTOWN ANG COMMUNICATIONS SITE | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 1,800 | 1,800 |
| WILLOW GROVE NAS | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 470 | 470 |
| NAVY RESERVE | | |
| FOLSOM | | |
| RENOVATE RESERVE CENTER (BUILDING 8) | --- | 2,300 |
| TOTAL, PENNSYLVANIA | 3,460 | 50,390 |
| RHODE ISLAND | | |
| NAVY | | |
| NEWPORT NAVAL EDUCATION AND TRAINING CENTER | | |
| SANITARY SEWER SYSTEM UPGRADES | 14,500 | 14,500 |
| NEWPORT NAVAL WAR COLLEGE | | |
| STRATEGIC MARITIME RESEARCH CENTER (PHASE I) | --- | 10,000 |
| TOTAL, RHODE ISLAND | 14,500 | 24,500 |
| SOUTH CAROLINA | | |
| ARMY | | |
| CHARLESTON NAVAL WEAPONS STATION | | |
| ARMY STRATEGIC MAINTENANCE COMPLEX (PHASE I) | --- | 20,000 |
| NAVY | | |
| BEAUFORT MCAS | | |
| F/A18D SUPPORT FACILITIES | --- | 10,800 |
| PARRIS ISLAND MARINE CORPS RECRUIT DEPOT | | |
| CHILD DEVELOPMENT CENTER | 2,550 | 2,550 |
| RECRUIT TRAINING FACILITY | --- | 5,800 |
| AIR FORCE | | |
| CHARLESTON AFB | | |
| ALTER DORMITORIES | 9,900 | 9,900 |
| UPGRADE HAZARDOUS WASTE STORAGE FACILITY | 1,500 | 1,500 |
| ARMY NATIONAL GUARD | | |
| EASTOVER | | |
| CLASS IX AMMUNITION STORAGE FACILITY | --- | 2,300 |
| ARMY RESERVE | | |
| NORTH CHARLESTON | | |
| RESERVE CENTER/MAINTENANCE COMPLEX | --- | 8,560 |
| TOTAL, SOUTH CAROLINA | 13,950 | 61,410 |
| SOUTH DAKOTA | | |
| AIR FORCE | | |
| ELLSWORTH AFB | | |
| CONSOLIDATED ADMIN SUPPORT COMPLEX (PHASE II) | --- | 4,500 |
| STORM DRAINAGE FACILITIES | 1,450 | 1,450 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| AIR NATIONAL GUARD | | |
| SIOUX FALLS (JOE FOSS FIELD) | | |
| POWER CHECK PAD/SOUND SUPPRESSION | --- | 2,500 |
| TOTAL, SOUTH DAKOTA | 1,450 | 8,450 |
| TENNESSEE | | |
| AIR FORCE | | |
| ARNOLD ENGINEERING DEVELOPMENT CENTER | | |
| HAZARDOUS WASTE/MATERIAL STORAGE FACILITY | 1,900 | 1,900 |
| ARMY NATIONAL GUARD | | |
| CHATTANOOGA | | |
| ARMORY ADDITION AND REHABILITATION | --- | 1,604 |
| DUNLAP | | |
| ORGANIZATIONAL MAINTENANCE SUB-SHOP | --- | 715 |
| JOHNSON CITY | | |
| ADD/ALTER RESERVE CENTER | --- | 6,019 |
| LINDEN | | |
| ARMORY | --- | 1,097 |
| MILAN | | |
| UNIT TRAINING EQUIPMENT SITE | --- | 825 |
| MOUNTAIN CITY | | |
| ARMORY | --- | 1,742 |
| SPRINGFIELD | | |
| ARMORY | --- | 1,115 |
| TRENTON | | |
| ORGANIZATIONAL MAINTENANCE SHOP | --- | 630 |
| WAVERLY | | |
| ADD/ALTER ARMORY (PHASE II) | --- | 321 |
| ONEIDA | | |
| ARMORY | --- | 1,230 |
| ROGERSVILLE | | |
| ARMORY | --- | 1,820 |
| AIR NATIONAL GUARD | | |
| NASHVILLE | | |
| VEHICLE MAINTENANCE COMPLEX | --- | 2,250 |
| MEMPHIS | | |
| VEHICLE MAINTENANCE/WAREHOUSE | --- | 1,900 |
| SIMULATOR FACILITY | --- | 3,500 |
| TOTAL, TENNESSEE | 1,900 | 26,668 |
| TEXAS | | |
| ARMY | | |
| FORT BLISS | | |
| SERGEANTS MAJOR ACADEMY | --- | 5,600 |
| TACTICAL EQUIPMENT SHOP | --- | 11,200 |
| FORT HOOD | | |
| CONSOLIDATED MAINTENANCE FACILITY (PHASE IV) | --- | 8,800 |
| TACTICAL EQUIPMENT SHOP | --- | 8,000 |
| WHOLE BARRACKS RENEWAL | 29,000 | 29,000 |
| FORT SAM HOUSTON | | |
| SEWAGE TREATMENT PLANT - CAMP BULLIS | 4,300 | 4,300 |
| NAVY | | |
| INGLESIDE NAVAL STATION | | |
| MAGNETIC SILENCING FACILITY W/LAND ACQUISITION | 14,110 | 14,110 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| KINGSVILLE NAS | | |
| AIR OPERATIONS BUILDING ADDITION | --- | 1,530 |
| AIR FORCE | | |
| BROOKS AFB | | |
| DIRECTED ENERGY FACILITY | --- | 6,500 |
| KELLY AFB | | |
| ADD/ALTER DORMITORY | 2,250 | 2,250 |
| UPGRADE HYDRANT FUELING SYSTEMS | 3,700 | 3,700 |
| UPGRADE SANITARY SEWER LINES | 3,000 | 3,000 |
| LACKLAND AFB | | |
| ALTER RECRUIT DORMITORY | 3,400 | 3,400 |
| 7-LEVEL TRAINING CLASSROOMS | 1,800 | 1,800 |
| SHEPPARD AFB | | |
| 7-LEVEL TRAINING CLASSROOMS | 3,300 | 3,300 |
| ARMY NATIONAL GUARD | | |
| FORT WORTH/SHOREVIEW | | |
| ADD/ALTER ARMORY | --- | 3,041 |
| MARSHALL | | |
| ADD/ALTER ORGANIZATIONAL MAINTENANCE SHOP | --- | 830 |
| WYLIE | | |
| ORGANIZATIONAL MAINTENANCE SHOP | --- | 1,261 |
| TOTAL, TEXAS | 64,860 | 111,622 |
| UTAH | | |
| DEFENSE-WIDE | | |
| TOOELE ARMY DEPOT | | |
| CARBON FILTRATION SYSTEM | --- | 4,000 |
| ARMY NATIONAL GUARD | | |
| CAMP WILLIAMS | | |
| TROOP ISSUE SUBSISTANCE ACTIVITY (PHASE II) | --- | 2,290 |
| AIR NATIONAL GUARD | | |
| SALT LAKE CITY IAP | | |
| AIRCRAFT WASHRACK AND DEICE FACILITY | 400 | 400 |
| TOTAL, UTAH | 400 | 6,690 |
| VERMONT | | |
| AIR NATIONAL GUARD | | |
| BURLINGTON IAP | | |
| MEDICAL TRAINING/OPERATIONS FACILITY | --- | 4,800 |
| VIRGINIA | | |
| ARMY | | |
| FORT LEE | | |
| REPAIR ELECTRICAL DISTRIBUTION (PHASE I) | --- | 11,000 |
| SOLDIERS ONE STOP CENTER | --- | 4,600 |
| FORT MYER | | |
| WHOLE BARRACKS RENEWAL | 7,300 | 7,300 |
| NAVY | | |
| CHESAPEAKE NAVAL SECURITY GROUP ACT NW | | |
| CHILD DEVELOPMENT CENTER | 1,150 | 1,150 |
| DAM NECK FLEET COMBAT TRAIN CTR ATLANTIC | | |
| CHILD DEVELOPMENT CENTER | 1,600 | 1,600 |
| GUNLINE/WEAPONS TRAINING FACILITY | --- | 5,400 |
| LAND ACQUISITION | --- | 4,850 |
| LITTLE CREEK AMPHIBIOUS BASE | | |
| WEST SIDE FIRE STATION | --- | 5,000 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| NORFOLK MARINE CORPS SEC FORCE BATT LANT | | |
| BACHELOR ENLISTED QUARTERS | 6,480 | 6,480 |
| NORFOLK NAVAL BASE | | |
| FAMILY SERVICES CENTER | --- | 5,100 |
| NORFOLK NAVAL STATION | | |
| BACHELOR ENLISTED QUARTERS | 16,430 | 16,430 |
| QUANTICO MARINE CORPS COMBAT DEV COMMAND | | |
| SEWAGE TREATMENT PLANT | 19,900 | 19,900 |
| AIR FORCE | | |
| LANGLEY AFB | | |
| CHILD DEVELOPMENT CENTERS (2) | --- | 5,500 |
| DEFENSE-WIDE | | |
| DAHLGREN NSWC | | |
| DEPENDENT SCHOOL ADDITION | --- | 1,560 |
| FT BELVOIR | | |
| CHILD DEVELOPMENT CENTER | 4,600 | 4,600 |
| DEFENSE FUEL SUPPORT POINT CRANEY ISLAND | | |
| MAINTENANCE AND OPERATIONS FACILITY | 3,652 | 3,652 |
| PORTSMOUTH NAVAL HOSPITAL | | |
| HOSPITAL REPLACEMENT (PHASE VI) | 120,000 | 120,000 |
| AIR NATIONAL GUARD | | |
| RICHMOND IAP | | |
| FUEL STORAGE COMPLEX | --- | 4,500 |
| TOTAL, VIRGINIA | 181,112 | 228,622 |
| WASHINGTON | | |
| ARMY | | |
| FORT LEWIS | | |
| WHOLE BARRACKS RENEWAL | 32,000 | 32,000 |
| WHOLE BARRACKS RENEWAL | 32,000 | 32,000 |
| NAVY | | |
| BREMERTON PUGET SOUND NAVAL SHIPYARD | | |
| INDUSTRIAL WASTEWATER TREATMENT FACILITY | 3,200 | 3,200 |
| UTILITIES AND SITE IMPROVEMENTS | 7,840 | 7,840 |
| EVERETT NAVAL STATION | | |
| BACHELOR ENLISTED QUARTERS | 7,450 | 7,450 |
| CHILD DEVELOPMENT CENTER | 2,900 | 2,900 |
| FLEET RECREATION CENTER | 3,000 | 3,000 |
| HAZARDOUS WASTE STORAGE AND TRANSFER FACILITY | 1,500 | 1,500 |
| PHYSICAL FITNESS FACILITIES | 6,840 | 6,840 |
| WHIDBEY ISLAND NAVAL AIR STATION | | |
| FIREFIGHTER TRAINING FACILITY | 1,400 | 1,400 |
| INDUSTRIAL WASTEWATER PRETREATMENT FACILITY | 1,400 | 1,400 |
| WASTEWATER TREATMENT PLANT UPGRADE | 2,400 | 2,400 |
| AIR FORCE | | |
| FAIRCHILD AFB | | |
| FLIGHT SIMULATOR BUILDING | --- | 4,000 |
| HAZARDOUS MATERIAL STORAGE FACILITY | 1,400 | 1,400 |
| SQUADRON OPERATIONS/MAINTENANCE | --- | 6,300 |
| STORM DRAINAGE FACILITIES | 2,450 | 2,450 |
| SURVIVAL TRAINING SCHOOL FACILITY | --- | 3,750 |
| MCCHORD AFB | | |
| ADD/ALTER CONSOLIDATED SUPPORT CENTER | --- | 7,700 |
| CONTROL TOWER | --- | 2,700 |
| AIR NATIONAL GUARD | | |
| FAIRCHILD AFB | | |
| ADD/ALTER SQUADRON OPERATIONS FACILITY | --- | 1,250 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| NAVY RESERVE | | |
| SEATTLE | | |
| JOINT ARMED FORCES RESERVE CENTER | --- | 10,400 |
| TOTAL, WASHINGTON | 105,780 | 141,880 |
| WEST VIRGINIA | | |
| AIR NATIONAL GUARD | | |
| E WV REGIONAL AIRPORT (MARTINSBURG) | | |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 500 | 500 |
| WISCONSIN | | |
| AIR NATIONAL GUARD | | |
| BILLY MITCHELL FIELD (MILWAUKEE) | | |
| REPLACE CENTRAL HEAT PLANT | 800 | 800 |
| TRUAX FIELD (MADISON) | | |
| ADD/ALTER AIRCRAFT GROUND EQUIPMENT SHOP/STORAGE | 340 | 340 |
| VOLK FIELD (CAMP DOUGLAS) | | |
| BASE FACILITIES IMPROVEMENTS (PHASE I) | --- | 4,900 |
| FIREFIGHTER TRAINING FACILITY | 700 | 700 |
| AIR FORCE RESERVE | | |
| BILLY MITCHELL FIELD (MILWAUKEE) | | |
| FIREFIGHTER TRAINING FACILITY | 1,450 | 1,450 |
| INSTALL AIR EMISSION CONTROL DEVICE | 750 | 750 |
| TOTAL, WISCONSIN | 4,040 | 8,940 |
| WYOMING | | |
| AIR FORCE | | |
| F E WARREN AFB | | |
| UNDERGROUND FUEL STORAGE TANKS/MISSILE FACILITIES | 2,650 | 2,650 |
| ARMY NATIONAL GUARD | | |
| TORRINGTON | | |
| ARMORY | --- | 5,300 |
| TOTAL, WYOMING | 2,650 | 7,950 |
| CONUS CLASSIFIED | | |
| ARMY | | |
| CLASSIFIED LOCATIONS | | |
| CLASSIFED PROJECTS | 1,900 | 1,900 |
| TECHNICAL CORRECTION | -1,900 | --- |
| NAVY | | |
| CLASSIFIED LOCATION | | |
| AIRCRAFT FIRE/RESCUE STATION AND VEHICLE MAINT FAC | 2,200 | 2,200 |
| AIR FORCE | | |
| CLASSIFIED LOCATION | | |
| SPECIAL TACTICAL UNIT DETENTION FACILITY | 2,141 | 2,141 |
| DEFENSE-WIDE | | |
| CLASSIFIED LOCATION | | |
| COMMUNICATIONS SUPPORT FACILITY/UTILITY UPGRADE | 5,300 | 5,300 |
| TOTAL, CONUS CLASSIFIED | 9,641 | 11,541 |
| GERMANY | | |
| AIR FORCE | | |
| RAMSTEIN AB | | |
| HAZARDOUS WASTE STORAGE FACILITY | 1,150 | 1,150 |
| UPGRADE SEWAGE COLLECTION SYSTEM | 11,200 | 11,200 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| SPANGDAHLEM AB | | |
| CHILD DEVELOPMENT CENTER | 2,273 | 2,273 |
| UPGRADE SEWAGE TREATMENT PLANT AND SEWER SYSTEM | 7,200 | 7,200 |
| TOTAL, GERMANY | 21,823 | 21,823 |
| GREECE | | |
| NAVY | | |
| SOUDA BAY CRETE NAVAL SUPPORT ACTIVITY | | |
| AIRCRAFT PARKING APRON | 3,050 | 3,050 |
| GREENLAND | | |
| AIR FORCE | | |
| THULE AB | | |
| FIREFIGHTER TRAINING FACILITY | 2,450 | 2,450 |
| ITALY | | |
| NAVY | | |
| NAPLES NAVAL SUPPORT ACTIVITIY (CAPODICHINO) | | |
| BACHELOR ENLISTED QUARTERS | 19,360 | 19,360 |
| QUALITY OF LIFE FACILITIES (INCREMENT II) | 9,100 | 9,100 |
| SIGONELLA NAVAL AIR STATION | | |
| BACHELOR ENLISTED QUARTERS | 13,750 | 13,750 |
| TOTAL, ITALY | 42,210 | 42,210 |
| KOREA | | |
| ARMY | | |
| CAMP CASEY | | |
| BARRACKS | --- | 5,200 |
| BARRACKS | --- | 24,000 |
| CAMP RED CLOUD | | |
| BARRACKS | --- | 5,400 |
| TOTAL, KOREA | --- | 34,600 |
| KWAJALEIN | | |
| ARMY | | |
| KWAJALEIN | | |
| COVER RAW WATER TANKS | 5,200 | 5,200 |
| FUEL CONTAINMENT FACILITY | 1,200 | 1,200 |
| TOTAL, KWAJALEIN | 6,400 | 6,400 |
| PORTUGAL | | |
| AIR FORCE | | |
| LAJES FIELD | | |
| REFUSE INCINERATOR | 2,850 | 2,850 |
| PUERTO RICO | | |
| NAVY | | |
| SABANA SECA NAVAL SECURITY GROUP ACTIVITY | | |
| OPERATIONS BUILDING ADDITION | 1,650 | 1,650 |
| AIR NATIONAL GUARD | | |
| PUERTO RICO IAP | | |
| ADD/ALTER AIRCRAFT CORROSION FACILITY | 750 | 750 |
| REPLACE UNDERGROUND FUEL STORAGE TANKS | 590 | 590 |
| TOTAL, PUERTO RICO | 2,990 | 2,990 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| UNITED KINGDOM | | |
| NAVY | | |
| ST MAWGAN JOINT MARITIME COMMUNICATION CENTER | | |
| CHILD DEVELOPMENT AND YOUTH CENTER | 3,900 | 3,900 |
| AIR FORCE | | |
| RAF LAKENHEATH | | |
| ADD/ALTER DORMITORY | 3,700 | 3,700 |
| F-15E ADD TO MUNITIONS MAINTENANCE FACILITY | 850 | 850 |
| UPGRADE STORM DRAINAGE SYSTEM | 2,550 | 2,550 |
| TOTAL, UNITED KINGDOM | 11,000 | 11,000 |
| OVERSEAS CLASSIFIED | | |
| AIR FORCE | | |
| OVERSEAS CLASSIFIED | | |
| WAR READINESS MAINTENANCE/MANAGEMENT FACILITY | 1,300 | 1,300 |
| WAR READINESS MATERIEL MEDICAL STORAGE FACILITY | 2,100 | 2,100 |
| WAR READINESS MATERIEL OPEN STORAGE FACILITY | 650 | 650 |
| TOTAL, OVERSEAS CLASSIFIED | 4,050 | 4,050 |
| NATO | | |
| NATO INFRASTRUCTURE | 219,000 | 119,000 |
| WORLDWIDE UNSPECIFIED | | |
| ARMY | | |
| UNSPECIFIED WORLDWIDE LOCATIONS | | |
| HOST NATION SUPPORT | 25,000 | 10,000 |
| PLANNING AND DESIGN | 62,926 | 66,126 |
| UNSPECIFIED MINOR CONSTRUCTION | 12,000 | 12,000 |
| GENERAL REDUCTION | --- | -40,000 |
| NAVY | | |
| UNSPECIFIED WORLDWIDE LOCATIONS | | |
| PLANNING AND DESIGN | 43,380 | 43,380 |
| GENERAL REDUCTION | --- | -40,000 |
| UNSPECIFIED MINOR CONSTRUCTION | 7,000 | 7,000 |
| AIR FORCE | | |
| UNSPECIFIED WORLDWIDE LOCATIONS | | |
| PLANNING AND DESIGN | 49,386 | 49,386 |
| GENERAL REDUCTION | --- | -40,000 |
| UNSPECIFIED MINOR CONSTRUCTION | 7,000 | 7,000 |
| DEFENSE-WIDE | | |
| UNSPECIFIED WORLDWIDE LOCATIONS | | |
| CONTINGENCY CONSTRUCTION | 10,411 | 3,511 |
| ENERGY CONSERVATION IMPROVEMENT PROGRAM | 50,000 | 50,000 |
| GENERAL REDUCTION | --- | -16,671 |
| PLANNING AND DESIGN | | |
| SPECIAL OPERATIONS COMMAND | 5,713 | 5,713 |
| BALLISTIC MISSILE DEFENSE ORGANIZATION | 530 | 530 |
| DEFENSE LEVEL ACTIVITIES | 12,360 | 12,360 |
| DEFENSE FINANCE AND ACCOUNTING | --- | 6,000 |
| DEFENSE INTELLIGENCE AGENCY | 450 | 450 |
| DEFENSE MEDICAL SUPPORT ACTIVITY | 26,907 | 26,907 |
| SUBTOTAL, PLANNING AND DESIGN | 45,960 | 51,960 |
| UNSPECIFIED MINOR CONSTRUCTION | | |
| SPECIAL OPERATIONS COMMAND | 4,020 | 4,020 |
| DEFENSE LEVEL ACTIVITIES | 3,000 | 3,000 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| JOINT CHIEFS OF STAFF | 5,873 | 5,873 |
| DOD DEPENDENT SCHOOLS | 4,430 | 4,430 |
| DEFENSE MEDICAL SUPPORT ACTIVITY | 5,025 | 5,025 |
| SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION | 22,348 | 22,348 |
| ARMY NATIONAL GUARD | | |
| UNSPECIFIED WORLDWIDE LOCATIONS | | |
| PLANNING AND DESIGN | 1,000 | 5,900 |
| UNSPECIFIED MINOR CONSTRUCTION | 5,167 | 5,167 |
| AIR NATIONAL GUARD | | |
| UNSPECIFIED WORLDWIDE LOCATIONS | | |
| PLANNING AND DESIGN | 11,532 | 14,823 |
| UNSPECIFIED MINOR CONSTRUCTION | 4,000 | 4,000 |
| ARMY RESERVE | | |
| UNSPECIFIED WORLDWIDE LOCATIONS | | |
| PLANNING AND DESIGN | 5,253 | 5,253 |
| UNSPECIFIED MINOR CONSTRUCTION | 2,657 | 2,657 |
| NAVY RESERVE | | |
| UNSPECIFIED WORLDWIDE LOCATIONS | | |
| PLANNING AND DESIGN | 1,357 | 1,800 |
| UNSPECIFIED MINOR CONSTRUCTION | 158 | 158 |
| AIR FORCE RESERVE | | |
| UNSPECIFIED WORLDWIDE LOCATIONS | | |
| PLANNING AND DESIGN | 3,172 | 3,438 |
| UNSPECIFIED MINOR CONSTRUCTION | 4,018 | 4,018 |
| TOTAL, WORLDWIDE UNSPECIFIED | 373,725 | 233,254 |
| WORLDWIDE VARIOUS | | |
| ARMY NATIONAL GUARD | | |
| VARIOUS LOCATIONS | | |
| ARMORY UNIT STORAGE BUILDING | 840 | 840 |
| INDOOR RANGE MODERNIZATION | 839 | 839 |
| TOTAL, WORLDWIDE VARIOUS | 1,679 | 1,679 |
| FAMILY HOUSING, ARMY | | |
| ALASKA | | |
| FT RICHARDSON (72 UNITS) | --- | 5,000 |
| COLORADO | | |
| FORT CARSON (145 UNITS) | 16,500 | 16,500 |
| GEORGIA | | |
| FORT STEWART (128 UNITS) | 10,600 | 10,600 |
| HAWAII | | |
| SCHOFIELD BARRACKS (190 UNITS) | 26,000 | 26,000 |
| KANSAS | | |
| FT RILEY (126 UNITS) | --- | 12,600 |
| MASSACHUSETTS | | |
| NATICK RESEARCH CENTER (35 UNITS) | 4,150 | 4,150 |
| NEW YORK | | |
| U S MILITARY ACADEMY (WEST POINT) (56 UNITS) | 8,000 | 8,000 |
| TEXAS | | |
| FORT BLISS (105 UNITS) | 10,800 | 10,800 |
| FORT BLISS (110 UNITS) | 10,600 | 10,600 |
| FORT SAM HOUSTON (100 UNITS) | 10.000 | 10.000 |

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| CONSTRUCTION IMPROVEMENTS | 49,760 | 49,760 |
| PLANNING | 5,992 | 5,992 |
| SUBTOTAL, CONSTRUCTION | 152,402 | 170,002 |
| OPERATION AND MAINTENANCE | | |
| FURNISHINGS ACCOUNT | 49,083 | 49,083 |
| MANAGEMENT ACCOUNT | 80,340 | 80,340 |
| MISCELLANEOUS ACCOUNT | 1,856 | 1,856 |
| SERVICES ACCOUNT | 58,129 | 58,129 |
| UTILITIES ACCOUNT | 283,933 | 283,933 |
| LEASING | 243,442 | 243,442 |
| MAINTENANCE OF REAL PROPERTY | 404,414 | 404,414 |
| MORTGAGE INSURANCE PREMIUMS | 11 | 11 |
| OAHU FAMILY HOUSING TRANSFER | --- | -107,500 |
| SUBTOTAL, OPERATION AND MAINTENANCE | 1,121,208 | 1,013,708 |
| TOTAL, FAMILY HOUSING, ARMY | 1,273,610 | 1,183,710 |
| FAMILY HOUSING, NAVY | | |
| CALIFORNIA | | |
| MARINE CORPS BASE CAMP PENDLETON (196 UNITS) | 28,552 | 28,552 |
| PUBLIC WORKS CENTER SAN DIEGO (136 UNITS) | 18,262 | 18,262 |
| HAWAII | | |
| MOANALUA TERRACE (100 UNITS) | --- | 16,000 |
| MARYLAND | | |
| NAVAL AIR TEST CNTR PATUXENT RIVER (HOUSING OFFICE) | 863 | 863 |
| MISSISSIPPI | | |
| GULFPORT CBC (120 UNITS) | --- | 10,370 |
| VIRGINIA | | |
| NAVAL SHIPYARD PORTSMOUTH (WAREHOUSE AND SELF-HELP) | 555 | 555 |
| TEXAS | | |
| CORPUS CHRISTI NAS (100 UNITS) | --- | 11,800 |
| WASHINGTON | | |
| NAVAL STATION PUGET SOUND EVERETT (HOUSING OFFICE) | 780 | 780 |
| CONSTRUCTION IMPROVEMENTS | 155,602 | 155,602 |
| PLANNING | 24,681 | 24,681 |
| SUBTOTAL, CONSTRUCTION | 229,295 | 267,465 |
| OPERATION AND MAINTENANCE | | |
| FURNISHINGS ACCOUNT | 32,233 | 32,233 |
| MANAGEMENT ACCOUNT | 88,827 | 88,827 |
| MISCELLANEOUS ACCOUNT | 1,217 | 1,217 |
| SERVICES ACCOUNT | 48,793 | 48,793 |
| UTILITIES ACCOUNT | 184,845 | 184,845 |
| LEASING | 114,336 | 114,336 |
| MAINTENANCE OF REAL PROPERTY | 383,263 | 383,263 |
| MORTGAGE INSURANCE PREMIUMS | 85 | 85 |
| OAHU FAMILY HOUSING TRANSFER, NAVY | --- | 66,300 |
| OAHU FAMILY HOUSING TRANSFER, MARINE CORPS | --- | 17,700 |
| SUBTOTAL, OPERATION AND MAINTENANCE | 853,599 | 937,599 |
| TOTAL, FAMILY HOUSING, NAVY | 1,082,894 | 1,205,064 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| FAMILY HOUSING, AIR FORCE | | |
| ALABAMA | | |
| MAXWELL AFB (25 UNITS) | 2,100 | 2,100 |
| ARIZONA | | |
| DAVIS-MONTHAN AFB (110 UNITS) | 5,940 | 10,029 |
| CALIFORNIA | | |
| BEALE AFB (76 UNITS) | 8,842 | 8,842 |
| EDWARDS AFB (34 UNITS) | 4,629 | 4,629 |
| LOS ANGELES AFB (50 UNITS) (PHASE I) | --- | 8,962 |
| VANDENBERG AFB (128 UNITS) | 16,460 | 16,460 |
| DISTRICT OF COLUMBIA | | |
| BOLLING AFB (100 UNITS) | 9,000 | 9,000 |
| FLORIDA | | |
| PATRICK AFB (75 UNITS) | 7,145 | 7,145 |
| IDAHO | | |
| MOUNTAIN HOME AFB (4 UNITS) | 881 | 881 |
| MOUNTAIN HOME AFB (60 UNITS) | 5,712 | 5,712 |
| ILLINOIS | | |
| SCOTT AFB (HOUSING RELOCATION, PHASE III, 300 UNITS) | 30,000 | 30,000 |
| KANSAS | | |
| MCCONNELL AFB (70 UNITS) | 8,322 | 8,322 |
| LOUISIANA | | |
| BARKSDALE AFB (82 UNITS) | 8,236 | 8,236 |
| MISSOURI | | |
| WHITEMAN AFB (HOUSING OFFICE) | 567 | 567 |
| NEW MEXICO | | |
| CANNON AFB (1 UNIT) | 230 | 230 |
| HOLLOMAN AFB (76 UNITS) | 7,733 | 7,733 |
| KIRTLAND AFB (106 UNITS) | 10,058 | 10,058 |
| NORTH CAROLINA | | |
| POPE AFB (120 UNITS) | 14,874 | 14,874 |
| SEYMOUR JOHNSON AFB (74 UNITS) | 6,025 | 6,025 |
| NORTH DAKOTA | | |
| GRAND FORKS AFB (HOUSING OFFICE) | 709 | 709 |
| SOUTH CAROLINA | | |
| SHAW AFB (3 UNITS) | 631 | 631 |
| TEXAS | | |
| DYESS AFB (59 UNITS) | 7,077 | 7,077 |
| UTAH | | |
| HILL AFB (138 UNITS) | --- | 11,400 |
| VIRGINIA | | |
| LANGLEY AFB (148 UNITS) | 14,421 | 14,421 |
| WASHINGTON | | |
| FAIRCHILD AFB (6 UNITS) | 1,035 | 1,035 |
| WYOMING | | |
| F E WARREN AFB (106 UNITS) | 11,321 | 11,321 |
| CONSTRUCTION IMPROVEMENTS | 61,770 | 61,770 |
| PLANNING | 9,275 | 9,275 |
| SUBTOTAL, CONSTRUCTION | 252,993 | 277,444 |
| OPERATION AND MAINTENANCE | | |
| FURNISHINGS ACCOUNT | 42,852 | 42,852 |
| MANAGEMENT ACCOUNT | 45,076 | 45,076 |
| MISCELLANEOUS ACCOUNT | 5,794 | 5,794 |
| SERVICES ACCOUNT | 32,724 | 32,724 |
| UTILITIES ACCOUNT | 178,472 | 178,472 |

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

| INSTALLATION & PROJECT | BUDGET REQUEST | CONFERENCE AGREEMENT |
|---|---|---|
| LEASING | 112,757 | 112,757 |
| MAINTENANCE OF REAL PROPERTY | 383,644 | 383,644 |
| MORTGAGE INSURANCE PREMIUMS | 26 | 26 |
| OAHU FAMILY HOUSING TRANSFER | --- | 23,500 |
| SUBTOTAL, OPERATION AND MAINTENANCE | 801,345 | 824,845 |
| TOTAL, FAMILY HOUSING, AIR FORCE | 1,054,338 | 1,102,289 |
| FAMILY HOUSING, DEFENSE-WIDE | | |
| BELGIUM | | |
| MONS (1 UNIT) | 300 | 300 |
| CONSTRUCTION IMPROVEMENTS | 50 | 50 |
| SUBTOTAL, CONSTRUCTION | 350 | 350 |
| OPERATION AND MAINTENANCE | | |
| FURNISHINGS ACCOUNT | 2,485 | 2,485 |
| MANAGEMENT ACCOUNT | 223 | 223 |
| MISCELLANEOUS ACCOUNT | 31 | 31 |
| SERVICES ACCOUNT | 391 | 391 |
| UTILITIES ACCOUNT | 880 | 880 |
| LEASING | 24,051 | 24,051 |
| MAINTENANCE OF REAL PROPERTY | 970 | 970 |
| SUBTOTAL, OPERATION AND MAINTENANCE | 29,031 | 29,031 |
| TOTAL, FAMILY HOUSING, DEFENSE-WIDE | 29,381 | 29,381 |
| BASE REALIGNMEMT AND CLOSURE ACCOUNT, PART I | | |
| BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I | 87,600 | 87,600 |
| BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II | | |
| BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II | 265,700 | 265,700 |
| (BY TRANSFER FROM HOMEOWNERS ASSISTANCE FUND) | (133,000) | (133,000) |
| BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III | | |
| BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III | 2,322,858 | 2,322,858 |
| TOTAL, BASE REALIGNMENT AND CLOSURE ACCOUNT | 2,676,158 | 2,676,158 |
| GENERAL PROVISIONS | | |
| SEC. 123 -- PROCUREMENT REFORM | -10,421 | -10,421 |
| SEC. 127 -- RESCISSION | --- | -25,100 |
| SEC. 127 -- COAST GUARD FACILITY | --- | 25,100 |
| TOTAL, GENERAL PROVISIONS | -10,421 | -10,421 |

## CONFERENCE TOTAL--WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1995 recommended by the Committee of Conference, with comparisons to the fiscal year 1994 amount, the 1995 budget estimates, and the House and Senate bills for 1995 follow:

| | |
|---|---|
| New budget (obligational) authority, fiscal year 1994.... | $ 9,463,890,000 |
| Budget estimates of new (obligational) authority, fiscal year 1995..... | 8,346,202,000 |
| House bill, fiscal year 1995..... | 8,816,672,000 |
| Senate bill, fiscal year 1995..... | 8,836,724,000 |
| Conference agreement, fiscal year 1995..... | 8,836,000,000 |
| Conference agreement compared with: | |
| New budget (obligational) authority, fiscal year 1994 | -627,890,000 |
| Budget estimates of new (obligational) authority, fiscal year 1995..... | +489,798,000 |
| House bill, fiscal year 1995..... | +19,328,000 |
| Senate bill, fiscal year 1995..... | -724,000 |

W.G. BILL HEFNER,
THOMAS FOGLIETTA,
CARRIE P. MEEK,
NORMAN D. DICKS,
JULIAN C. DIXON,
VIC FAZIO,
STENY H. HOYER,
RONALD D. COLEMAN,
DAVID R. OBEY,
BARBARA F. VUCANOVICH,
SONNY CALLAHAN,
HELEN DELICH BENTLEY,
DAVID L. HOBSON,
JOSEPH M. McDADE,
*Managers on the Part of the House.*

JIM SASSER,
DANIEL K. INOUYE,
HARRY REID,
HERB KOHL,
ROBERT C. BYRD,
SLADE GORTON,
TED STEVENS,
MITCH McCONNELL,
MARK O. HATFIELD,
*Managers on the Part of the Senate.*

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CRAPO) and to include extraneous matter:)

Mr. BEREUTER.

Mr. SOLOMON in two instances.

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Ms. SCHENK.

Mr. VISCLOSKY.

Mr. MANN.

Mr. BARCA of Wisconsin.

(The following Members (at the request of Mr. McDERMOTT) and to include extraneous matter:)

Mr. PACKARD.

Mr. FIELDS of Texas.

Mr. RICHARDSON.

Mr. FAZIO.

Mr. GILMAN.

Mr. DIAZ-BALART.

Ms. SLAUGHTER.

Mr. OBERSTAR.

Mr. COX.

Mr. BURTON of Indiana.

Mr. GALLO.

Mrs. COLLINS of Illinois.

Mr. HOYER in two instances.

Mr. GIBBONS.

Mr. GUTIERREZ.

Mr. HOCHBRUECKNER.

Mr. WALSH.

Mr. LEWIS of California.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1030. An act to amend title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma services for veterans, to improve contain Department of Veterans Affairs programs for women veterans, to extend the period of entitlement to inpatient care for veterans exposed to Agent Orange or ionizing radiation, to establish a hospice care pilot program, to establish a rural health care clinics program, to authorize the Secretary of Veterans Affairs to provide per diem payments and construction grants to State homes for adult day health care services, to establish an education debt reduction program, and for other purposes; to the Committee on Veterans Affairs; and

S. 1146. An act to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes; to the Committee on Natural Resources.

## ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 28, 1994, at 11 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3574. A letter from the Secretary, Department of Housing and Urban Development, transmitting the fifth annual report describing the status of multifamily housing subject to subsection (a) of section 203(k) of the Housing and Community Development amendments of 1978, as amended, pursuant to 42 U.S.C. 1701z-11; to the Committee on Banking, Finance and Urban Affairs.

3575. A letter from the Clerk of the House, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to 2 U.S.C. 703(d)(1) and Rule XLIV, clause 1 of House Rules (H. Doc. No. 103-286); to the Committee on Standards of Official Conduct and ordered to be printed.

3576. A letter from the Comptroller General, General Accounting Office, transmitting GAO's audit of the Foundation's statements of financial position as of December 31, 1992, 1991, and 1990, and the related statements of revenues and expenses and changes in fund balance, and cash flows for the years then ended, pursuant to Public Law 101-525, section 8 (104 Stat. 2308); jointly, to the Committees on Education and Labor and Government Operations.

3577. A letter from the Secretary, Department of Energy, transmitting notification that the report entitled, "Adequacy of Management Plans for the Future Generation of Spent Nuclear Fuel and High-Level Radioactive Waste" is currently being prepared for submission by September 30, 1994, pursuant to 42 U.S.C. 10101 note; jointly, to the Committees on Natural Resources and Energy and Commerce.

3578. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation entitled, the "Marine Navigation Trust Fund Act of 1994"; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 491. Resolution providing for consideration of the bill (H.R. 2448) to improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes (Rept. 103-622). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 492. Resolution providing for consideration of the bill (S. 208) to reform the concessions policies of the National Park Service, and for other purposes (Rept. 103-623). Referred to the House Calendar.

Mr. HEFNER: Committee of Conference. Conference report on H.R. 4453. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. 103-624). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONDIT:

H.R. 4839. A bill to require the Secretary of Agriculture to issue regulations concerning use of the term "fresh" in the labeling of poultry, and for other purposes; to the Committee on Agriculture.

By Mr. SAM JOHNSON (for himself, Mr. DOOLITTLE, and Mr. HUTCHINSON):

H.R. 4840. A bill to provide for reform of health insurance, including tax benefits relating to health insurance and medical malpractice and antitrust reform; jointly, to the Committees on Energy and Commerce, Education and Labor, Ways and Means, and the Judiciary.

By Mr. MORAN (for himself, Mr. STOKES, Mr. DELLUMS, Mr. HILLIARD, Mr. FARR, Mr. NEAL of North Carolina, Mr. STUDDS, Ms. PELOSI, Mr. SERRANO, Mr. FILNER, Mr. FOGLIETTA, Mr. SANDERS, Mrs. MALONEY, and Mr. PAYNE of New Jersey):

H.R. 4841. A bill to establish a fund for various programs to strengthen and expand the capacity of State and local governments and other entities to improve the public health; jointly, to the Committees on Energy and Commerce, Education and Labor, and Ways and Means.

By Mr. RICHARDSON (for himself and Mr. THOMAS of Wyoming):

H.R. 4842. A bill to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes; to the Committee on Natural Resources.

By Mr. TORRICELLI:

H.R. 4843. A bill to establish the National Sports Heritage Commission; jointly, to the Committees on Public Works and Transportation and House Administration.

By Mr. FAZIO (for himself, Mr. ARCHER, Mr. CALVERT, Mr. CHAPMAN, Mr. CONDIT, Mr. DIXON, Mr. DOOLEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. EDWARDS of California, Mr. GENE GREEN of Texas, Mr. HAYES, Mr. HERGER, Mr. HORN , Mr. HUTCHINSON, Mr. LANTOS, Mr. LEWIS of California, Mr. MOORHEAD, Mr. POMBO, Mr. TAUZIN, Mr. THOMAS of California, Mr. THORNTON, Mr. WASHINGTON, Mr. WILSON, and Ms. WOOLSEY):

H. Con. Res. 274. Concurrent resolution expressing the sense of the Congress with respect to the announcement of the Japanese Food Agency that it does not intend to fulfill its commitment to purchase 75,000 metric tons of United States rice; to the Committee on Ways and Means.

By Mr. MENENDEZ (for himself, Ms. VELAZQUEZ, Mr. SERRANO, Mr. DE LUGO, Mr. PASTOR, Mr. DIAZ-BALART, Mr. PAYNE of New Jersey, Ms. ROS-LEHTINEN, Mr. BECERRA, Mr. GUTIERREZ, Mr. DE LA GARZA, Mr. TEJEDA, Mr. RICHARDSON, Mr. MCDERMOTT, Mr. WASHINGTON, Mr. ROMERO-BARCELO, Mr. OWENS, Mr. CLYBURN, Mr. FILNER, Mr. SCOTT, Mr. FOGLIETTA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OLVER, Mr. LEHMAN, Mrs. MINK of Hawaii, Mr. FROST, and Mr. KLEIN):

H. Res. 493. Resolution expressing the sense of the House of Representatives with respect to health care reform and essential community providers; jointly, to the Committee on Energy and Commerce and Ways and Means.

## MEMORIALS

Under clause 4 of rule XXII,

455. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to memorializing the Congress of the United States to propose an amendment to the Constitution of the United States which would provide that no Federal tax shall be imposed for the period before the date of the enactment of the tax; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SLATTERY:

H.R. 4844. A bill for the relief of Gulnur Akbal Walmsley; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 4845. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Broken Promise;* to the Committee on Merchant Marine and Fisheries.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 163: Mr. CANADY.

H.R. 193: Mr. BILIRAKIS, Mr. BOEHNER, Mr. CALLAHAN, Mr. COX, Mr. HEFLEY, Mr. KYL, Mr. MACHTLEY, Mr. MCCRERY, Mrs. MEYERS of Kansas, Mr. ROHRABACHER, Mr. ROTH, and Mr. TRAFICANT.

H.R. 654: Mr. HORN, Mr. HUTCHINSON, Mr. JOHNSON of South Dakota, and Mr. SABO.

H.R. 723: Mr. COOPER.

H.R. 746: Mr. SISISKY.

H.R. 1146: Ms. SCHENK and Mr. COPPERSMITH.

H.R. 1277: Mrs. VUCANOVICH.

H.R. 1482: Ms. SCHENK and Mr. COPPERSMITH.

H.R. 1483: Mr. COPPERSMITH.

H.R. 1852: Mr. COPPERSMITH.

H.R. 1859: Mr. COPPERSMITH.

H.R. 1860: Mr. SCHAEFER.

H.R. 2420: Mr. LUCAS.

H.R. 2484: Mr. OLVER.

H.R. 2672: Mr. SHUSTER.

H.R. 2727: Ms. VELAZQUEZ.

H.R. 2882: Mr. COX.

H.R. 2898: Mr. CLAY.

H.R. 3283: Mr. COPPERSMITH.

H.R. 3434: Mr. TORRICELLI.

H.R. 3779: Mr. COPPERSMITH.

H.R. 3906: Mr. MCCLOSKEY, Mr. OXLEY, Mr. LEACH, Mr. SKELTON, Ms. VELAZQUEZ, Mr. HOEKSTRA, Mr. LEVIN, and Mr. SYNAR.

H.R. 3913: Mr. CANADY.

H.R. 3947: Mr. HILLIARD, Ms. VELAZQUEZ, Mr. OWENS, Mr. EVANS, Mr. ORTIZ, and Mr. LEHMAN.

H.R. 4036: Mr. COPPERSMITH.

H.R. 4050: Mr. VENTO and Mr. YATES.

H.R. 4051: Mr. FAZIO, Ms. PELOSI, and Mr. EDWARDS of California.

H.R. 4162: Mr. STUPAK, Mr. HASTINGS, and Mr. JOHNSON of South Dakota.

H.R. 4232: Ms. COLLINS of Michigan and Mr. HASTINGS.

H.R. 4260: Mr. GILMAN, Mr. YATES, and Mr. MARKEY.

H.R. 4289: Mr. VENTO and Mr. EDWARDS of California.

H.R. 4291: Mr. THOMPSON, Mr. SABO, Mr. JEFFERSON, Mr. BONIOR, and Ms. PELOSI.

H.R. 4318: Mr. MATSUI.

H.R. 4345: Mr. FOGLIETTA.

H.R. 4399: Ms. SHEPHERD and Ms. LONG.

H.R. 4507: Mr. WISE.

H.R. 4590: Mr. HORN, Mr. HEFLEY, Mr. STUPAK, Mr. LANCASTER, Mr. SCHIFF, Mr. CONDIT, Mr. PORTER, Mr. WYNN, Mr. COX, Mr. GOODLING, Mr. SANDERS, and Mr. HYDE.

H.R. 4826: Mr. SKEEN and Mr. YOUNG of Alaska.

H.R. 4827: Mr. PETRI.

H.J. Res. 338: Mr. BARLOW, Ms. SNOWE, Mr. SARPALIUS, Mr. PRICE of North Carolina, and Mr. Hall of Texas.

H.J. Res. 369: Mr. CASTLE, Mr. BUYER, Mr. CLAY, Mr. KIM, Mr. MOORHEAD, Ms. MOLINARI, Mr. WISE, Mr. SAXTON, Mr. SKEEN, Mr. LIVINGSTON, Mr. TAUZIN, Mr. FLAKE, Mr. MAZZOLI, Mr. KANJORSKI, Mr. OXLEY, Mr. DREIER, and Mrs. FOWLER.

H. Con. Res. 148: Mr. SHAW and Mr. MINGE.

H. Con. Res. 223: Mr. DICKEY, Mr. FALEOMAVAEGA, and Mrs. MINK of Hawaii.

H. Con. Res. 233: Mr. HALL of Ohio, Ms. SLAUGHTER, Mr. VENTO, Mr. ANDREWS of Maine, Mr. BERMAN, Mr. KENNEDY, Mrs. MINK of Hawaii, Ms. VELÁZQUEZ, Mr. CARDIN, Mr. NEAL of North Carolina, Mr. WATT, Mr. MACHTLEY, Mr. WYDEN, Mr. TRAFICANT, Mr. SYNAR, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. KREIDLER, Mr. SCOTT, Mr. MCHALE, Mr. BROWN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ESHOO, Mrs. COLLINS of Illinois, Mrs. KENNELLY, Mrs. MEEK of Florida, and Mr. COYNE.

H. Con. Res. 247: Mr. CLAY, Mr. GALLEGLY, Mr. BLILEY, Mr. PRICE of North Carolina, Mr. OWENS, Mrs. THURMAN, Mrs. BYRNE, Mr. BAKER of California, and Ms. SHEPHERD.

H. Con. Res. 270: Mr. STEARNS, Mr. DOOLITTLE, Mr. EMERSON, Mr. DORNAN, Mr. FIELDS of Texas, Mr. HORN, Mr. RAMSTAD, Mr. MANZULLO, Mr. SANTORUM, Mr. SAM JOHNSON, Mr. SAXTON, Mr. KOLBE, Mr. BILIRAKIS, and Mr. SOLOMON.

H. Res. 270: Mr. LINDER.

H. Res. 430: Mr. RANGEL, Mr. PRICE of North Carolina, Mr. MCNULTY, Mr. ROYCE, and Mr. FROST.

H. Res. 432: Mr. BRYANT, Mr. COLEMAN, Ms. KAPTUR, Mr. HINCHEY, Mr. GEJDENSON, and Ms. FURSE.

H. Res. 485: Mr. COX, Mr. STEARNS, and Ms. DUNN.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4675: Mr. LEWIS of Florida.

# EXTENSIONS OF REMARKS

## INTRODUCTION OF RESOLUTION CONCERNING RICE TRADE WITH JAPAN

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. FAZIO. Mr. Speaker, last month, the Japanese Food Agency announced that its emergency program to purchase foreign rice would cease immediately.

This announcement means the Japanese will not purchase 75,000 metric tons of California rice, which they had promised to buy. The economic impact of Japan reneging on this rice purchase will result in a loss of $45,000,000 this year to rice growers in the Sacramento Valley.

Further, the negative economic consequences will extend beyond California's borders to other rice growing States. Using USDA guidelines, it is estimated that if the 75,000 metric tons of California rice remains unsold to the Japanese Food Agency, then the carryover of this quantity from the 1993 crop year to the 1994 crop year will cause the U.S. season average farm price for rice to decline by $.36 per hundredweight in 1994, and by $.17 per hundredweight in 1995. These declines would equate to a loss in farm revenue of $56,200,000 in 1994 and $30,800,000 in 1995, for a combined loss of $87,000,000.

Clearly, Mr. Speaker, this development is most troubling. United States Government officials and the U.S. rice industry have worked diligently and exhaustively to establish an open trade relationship with Japan. We have been successful in this effort under the emergency rice purchase program as well as under GATT. However, Japanese Food Agency's failure to purchase the remaining 75,000 metric tons of U.S. rice directly contravenes a good-faith trade agreement. This action places in jeopardy other such agreements reached between the United States and Japan and damages the prospect for future trade relations between our two countries.

For all of these reasons, I am introducing a resolution today denouncing the Japanese Food Agency's decision to renege on its promise to purchase the final 75,000 metric tons of rice from the U.S. rice industry.

The United States was the only country affected by this announcement, as the Japanese have already fulfilled purchase agreements with China, Australia and Thailand. My resolution puts Congress clearly on record that when the Japanese make a deal with the United States, we expect them to follow through. Further, it puts the Japanese government on notice that we will not tolerate any backtracking on other trade agreements we have reached with Japan.

It has taken years to open up access to Japan's rice market and we simply cannot let that progress slip away now. This is too important for the economy and jobs in the Sacramento Valley as well as other parts of the country.

My resolution will let the Japanese know that we are serious about keeping trade commitments, and we will not turn the other cheek when they break their promises.

Mr. Speaker, I already have more than 20 cosponsors on this resolution, both Democrats and Republicans. I hope the House will take this resolution up in the very near future to ensure that the Japanese Government understands the serious nature of this issue.

## 1ST BAPTIST CHURCH OF SOUTH GLENS FALLS CELEBRATES 200TH ANNIVERSARY

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. SOLOMON. Mr. Speaker, those of us who live in the 22d Congressional District can boast of living in one of the most historical regions of the country.

In so many cases, the old churches in the district, along with their spiritual functions, often serve as virtual museums of area lore, with their registries and records of baptisms and marriages of historical figures, and growth patterns which reflect and parallel the growth of the area.

One such church, in fact one of the foremost examples, is the First Baptist Church of South Glens Falls, an Independent Fundamental Church affiliated with the Conservative Baptist Association, which is celebrating its 200th anniversary this year.

This church can trace its lineage to 1794, when it was known as the First Baptist Church of Northumberland. In 1831, it became the Moreau Baptist Church. Early meetings were held in homes until 1837, and after that in the Borrows Schoolhouse. Property on the corner of Main and Third Streets was donated by Julius Rice in 1859. The church built on this property opened in 1862. Finally, the name was changed to its present First Baptist Church of South Glens Falls in 1875, and a parsonage was built in 1895.

The church's most noteworthy growth period came during the ministry of Rev. Nevin Korb, who came to South Glens Falls with his family in 1948. A major factor in this growth was the use of radio broadcasts. While an addition was being built in 1954, Sunday School classes and worship services were held in the South Glens Falls Town Hall building.

By 1967, the church could boast of a new building and parsonage. Its present pastor, Rev. Gary C. Stefanski and his family arrived in July, 1993.

Throughout its long history, this church, like so many others in the area, has been the focus of community life and a bastion of the best virtues our society has to offer.

During the weekend of August 5 to 7, the First Baptist Church of South Glens Falls will celebrate those glorious two centuries. Please join me in expressing congratulations and best wishes as the church moves into its third century.

## TRIBUTE TO WILLIAM A. HICKEY

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to a very special person, William (Bill) A. Hickey, on the occasion of his 80th birthday. Bill Hickey is a man of uncommon talent and uncommon modesty—a true patriot, family man, and gentleman.

Born at home in Washington, DC on August 1, 1914, near Capitol Hill on Seventh Street in the northeast section, Bill attended elementary schools—the First Pierce, named after President Franklin Pierce, also the old Franklin School in Northwest Washington. As a young boy, he served the Times-Herald newspaper to earn a few dollars for pocket money. Bill graduated from Eastern High School in the June class of 1934. The working world came next—the old Palace Laundry, Judd and Detweiller printing plant, and luckily a good job at the Potomac Electric Power Co. [PePCo] where he was employed for 40 years, from 1937–77.

Bill served in the U.S. Navy during a period in World War II as an electrician's mate assigned to the amphibious forces, with service in the Asiatic-Pacific area. Returning home he resumed his duties at PePCo as a field meter tester and found great pleasure in meeting the American public—a great experience. Bill loves people. He was married in June of 1937, a happy marriage with his wife Ruth, which lasted for 53 years until her passing in 1990. The father of five grown children, three daughters and two sons, and six grandchildren, he is a very dedicated family man. Now retired, he participates in veteran, patriotic, civic, and political affairs as his hobby.

Since he is also an avid sports fan, especially of the Washington Redskins, he continues to usher at his young age. Beginning his career with the Redskins in 1957 at the old Griffith Stadium in Washington, DC, he has now been employed by the team owners for 37 years. He presently works, as he has for the last 20 years, in Jack Kent Cooke's mezzanine box at the RFK Stadium, where he loves greeting and talking to all the dignitaries attending the games, including Senators, Congressmen, and former sports greats.

A member of Central Baptist Church in Bladensburg, MD for 42 years, his simple

credo is "Do Your Best and You Will Enjoy Life to the Utmost."

In closing, Mr. Speaker, let me once again pay tribute to Bill Hickey as he celebrates this momentous occasion.

## INTRODUCTION OF THE INDIAN SELF-DETERMINATION ACT AMENDMENTS OF 1994

### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. RICHARDSON. Mr. Speaker, Representative THOMAS and I are pleased to introduce the Indian Self-Determination Act Amendments of 1994, which would amend the Indian Self-Determination and Education Assistance Act by making key provisions of the act self-implementing and by establishing a model contract. The model contract would govern the terms under which Indian tribes and tribal organizations could assume the operation and management of Federal programs and functions benefiting Indians that are operated within the Department of the Interior and the Department of Health and Human Services, including programs and functions of the Bureau of Indian Affairs and the Indian Health Service.

Mr. Speaker, the Indian Self-Determination and Education Assistance Act was signed into law in 1975 in order to maximize tribal participation in the planning and administration of Federal services and programs, as well as to reduce the Federal bureaucracy within those Indian programs. Despite passage of the act, tribal attempts to assume the operation of Federal programs were hindered by an increased Federal bureaucracy as well as restrictive and unnecessary contracting regulations. The 1988 amendments to the Indian Self-Determination Act were intended to remove these barriers to contracting. The 1988 amendments required the Bureau of Indian Affairs and the Indian Health Service to develop regulations with the participation of Indian tribes by October 1989.

Six years after passage of the 1988 amendments, the agencies have yet to promulgate regulations. Despite the preparation of negotiated tribal-Federal draft regulations, the agencies rejected the negotiated regulations. In January 1994, when the agencies finally published their proposed set of regulations, the proposal bore little resemblance to the negotiated draft but rather contained nearly all of the agencies' positions from their earliest drafts. The regulatory process has cost the tribes hundreds of thousands of dollars, and has led to great confusion within Indian country and among the Federal agencies. Rather than simplifying the contracting process, the proposed regulations would actually complicate the process and raise even greater barriers to Self-Determination Act contracting by tribes.

The bill would prevent the Bureau of Indian Affairs and the Indian Health Service from further frustrating tribal attempts to exercise their right to administer and operate Federal programs which serve their members. The bill would greatly simplify the contracting process, as the 1988 amendments were originally intended to do, and would reduce the Federal bureaucracy that is so pervasive in Federal Indian programs.

Mr. Speaker, this bill comports with the administration's stated goal of reducing regulations. Rather than subjecting the agencies and the Indian tribes to 500 pages of regulations, Mr. THOMAS and I are proposing a 40-page bill to solve the same problems. To quote Henry David Thoreau, "Our life is frittered away by detail. Simplify, simplify." Today we seek to simplify a system that should make it easier, rather than more difficult, for the Indian nations to manage their own affairs.

Mr. Speaker, this legislation is very similar to the bill which the Senate introduced earlier this year and which received the enthusiastic and overwhelming support of Indian tribes across the Nation. This bill reflects the recommendations of Indian country. I urge my colleagues to support it.

## TRIBUTE TO THE 493D FIGHTER SQUADRON

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. VISCLOSKY. Mr. Speaker, I rise today to pay tribute to members of the 493d Fighter Squadron who fought to end World War II during the events that unfolded to become D-day. Over the last 50 years, the brave men of the 493d Squadron have continued to commemorate the cessation of World War II by frequently reuniting to share memories and to reminisce about their shared experiences.

In May of this year, 18 members of this amazing group gathered in Europe to retrace the steps they took 50 years ago as American soldiers, marching through France, Belgium, and Germany. The individuals from northwest Indiana representing the 493d Fighter Squadron, included: Melvin Beito, Jacob L. Cooper, Frank Kobli, Marvin B. Dubose, Jesse V. Jamieson, Bill Dilley, Bill Kennedy, Al Long, R.E. McLuckie, Raymond McWilliams, Francis Mullee, George Pullis, Warren Sorensen, William Wells, Warren Welter, Lloyd White, David Wright, and Bertil Munson.

As the group advanced through the countryside they remembered so well, the great sacrifices made by those at D-day remained evident. A squadron member recalled fondly a conversation he held with a WWII German pilot during a commemorative dinner in Germany: "50 years ago we fought as enemies and today, as a result of this new-found freedom, we dine together as friends." Clearly, the world is a better place today as a result of the horrors endured by these brave men on D-day and throughout WWII.

Mr. Speaker, I ask you and my colleagues to join me in saluting the men of the 493d Fighter Squadron. Their courage will most certainly be remembered nationally and internationally, as their contributions have made our country the place it is today. It is my hope that this fine group will continue to reunite to retain the memories of their fight for freedom.

## QUEEN CITY'S TASTE OF EBONÉ

### HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. MANN. Mr. Speaker, the Queen City's Taste of Eboné is doing their part to break down barriers and ease tensions between the races. The greater Cincinnati area will benefit after the July 29–30 Multi-Cultural Block Party. The third annual event will feature cross-cultural booths, music and educational tools from community groups throughout the area.

The goal of the 2-day event is to bring the diverse community together and to facilitate learning about each community's history and heritage. There will be arts, crafts, face painting, jazz and big band music, exhibits, artifacts, storytellers and magicians to help accomplish the group's goals. All the money raised will be returned to the organization to fund the event for upcoming years.

As representative for the First Congressional District of Ohio, I would like to commend each organizer of the Queen City's Taste of Eboné and extend my support for the vision behind the celebration.

## TRIBUTE TO J.I. CASE CORP. OF RACINE, WI

### HON. PETER W. BARCA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to recognize the J.I. Case Corp. for its success and contributions to the State of Wisconsin.

I rise also to honor Edward J. Campbell, who retired from his position as president of the J.I. Case Corp., and to congratulate Jean-Pierre Rosso, who became the new president and CEO on April 4, 1994.

J.I. Case is an important corporate citizen in the city of Racine, which is located in the First Congressional District of Wisconsin. Recently J.I. Case once again became a publicly traded company, which will contribute to the continued success of this corporation. This is a great tribute to both the leadership and workers of this great company.

Edward J. Campbell has spent 20 years with Tenneco, Inc., of which J.I. Case is the largest subsidiary. Mr. Campbell came to Case in the late 1960's and the company turned a profit in each of his first 11 years there. After leaving Case, Mr. Campbell led Tenneco's Newport News Shipbuilding Co. for 13 years, during which the company tripled its sales and increased its profits 20 times. In 1992, Mr. Campbell returned to J.I. Case to help restore the company's profitability, and Case has subsequently enjoyed what is expected to be its fourth consecutive profitable quarter. Additional, Mr. Campbell has overseen a $920 million restructuring program to ensure that the company will remain profitable in the future.

Jean-Pierre Rosso has an M.B.A. from Wharton Graduate School of Business and will

be the person replacing Edward Campbell as the president and CEO of J.I. Case. Up until now, Mr. Rosso has served as president of Honeywell, Inc., a position he has held since 1992. Jean-Pierre Rosso's experience as president of Honeywell Europe from 1987 to 1991 will no doubt help create new markets in Europe and the entire international marketplace.

Mr. Speaker, Edward J. Campbell has been an excellent leader of J.I. Case and was instrumental in its renewed success. J.I. Case has a long history in the city of Racine, and the continued success of this corporation will have a positive impact on the economic vitality of this community. Thus, I would like to commemorate Mr. Campbell's achievements, and also issue a warm welcome and congratulations to Jean-Pierre Rosso, whom I have no doubt will continue the success of J.I. Case in the future. I am proud to enter these words of congratulations into the RECORD.

## DAVID SHERIDAN, "FATHER OF CATHETERS," TO BE HONORED

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. SOLOMON. Mr. Speaker, the name of David Sheridan should be more familiar to all Americans, because so many Americans have benefited from his greatest achievement.

To those familiar with that achievement, Mr. Sheridan is known as the father of the modern catheter. That single device has had a significant impact on medical and surgical practices, and that is one of the reasons a "David Sheridan Day" will be held on Saturday, September 17.

Catheters, as we all know, deliver medications, drain bodily fluids, and serve other vital medical purposes. Although he worked in collaboration with physicians from the Albany Medical Center, Mr. Sheridan is more responsible than any other man for the development of many useful varieties of catheters. In fact, the hospital's diagnostic facility was dedicated in 1987 as the David S. Sheridan Magnetic Resonance Imaging Center in his honor. And when Albany Medical College held its 157th commencement that year, Mr. Sheridan was awarded a doctor of science honoris causa degree.

In 1950, Mr. Sheridan and his family moved into an old farmhouse in the town of Argyle. About 100 feet from the house was a two-story red barn. It was there that Mr. Sheridan, a man whose formal education ended when he had to quit school at the age of 13, developed an idea with so many applications that today, more than 150-million catheters and similar devices are being used in operating rooms throughout the world.

Mr. Speaker, the perseverance and insight of Mr. Sheridan has resulted in simplified medical-surgical procedures and greatly reduced both patient suffering and expense while saving valuable time. For these reasons Mr. Sheridan deserves to be ranked alongside the Pasteurs, the Flemings, the Salks, and other solitary men of vision whose contributions to the medical world can never be measured.

Add to this the fact that he has made the small town of Argyle the catheter capital of the world, generating employment for thousands of local people, and you can see, Mr. Speaker, why we are so proud of Mr. Sheridan.

He will never be as famous as he deserves to be, but let this House at least go on record expressing its own tribute to Mr. David Sheridan, a great American whose achievements have improved the quality of life for the whole world.

## SALUTING FEDERAL JUDGE VANESSA DIANE GILMORE

### HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. FIELDS of Texas. Mr. Speaker, I would like to take a moment this morning to recognize Vanessa Diane Gilmore, a Houstonian who recently was named to the Federal bench. At just 37 years of age, Ms. Gilmore is the Nation's youngest Federal judge, and is the only black woman serving on the Federal bench in Texas.

Her young age, her keen intellect, her dedication to duty, and her innate sense of fairness guarantee that Ms. Gilmore—or I should say, Judge Gilmore—will make her mark on our Nation's legal system in the years ahead. I would not be at all surprised, in fact, if the future provides Judge Gilmore with new, expanded and more exciting opportunities to serve her country.

I have been fortunate that since last year, Judge Gilmore has served as a member of my Service Academy Nominations Board. As a member of the Board, she has helped select the most outstanding young men and women from throughout my congressional district to nominate to the Nation's four service academies. I am enormously grateful that despite her new profession, Judge Gilmore has indicated a desire to continue to serve on the board for, at least, the coming year.

For the past 11 years, Judge Gilmore practiced law at the firm of Vickery, Kilbride, Gilmore and Vickery, where she specialized in commercial litigation. Judge Gilmore is a 1977 graduate of Hampton University, Hampton, VA, and a 1981 graduate of the University of Houston Law School. While her legal skills are impressive, it is her willingness to take an active role in helping her fellow Houstonians and to pitch in to improve her community that distinguishes Judge Gilmore.

Her record of civic, community, and professional service is long indeed. She serves on the St. Joseph's Hospital Advisory Board; the Texas Southern University Foundation Board; the Neighborhood Recovery Community Redevelopment Corporation Board; and the University of Houston Law School Alumni Board. A director of the Texas Lyceum Association, Judge Gilmore served as president of the Greater Houston YWCA from 1990 to 1992, and currently serves on the YWCA Advisory Board.

In 1991, Gov. Ann Richards appointed Judge Gilmore to the Texas Department of Commerce Policy Board. When she later became chairman of the board, Judge Gilmore oversaw all of the agency's economic development activities and represented the Governor at economic development meetings.

Judge Gilmore's professional memberships include the Houston Bar Association, the Texas Trial Lawyers Association, the W.J. Durham Legal Society and the State Bar of Texas. Judge Gilmore has long been active in the National Lawyers Council of the Democratic National Committee and has held a number of leadership positions in the local NAACP.

Mr. Speaker, Vanessa Diane Gilmore has given generously of her time and talent to organizations throughout the greater Houston area, and throughout the State of Texas. I am grateful that one of the organizations in which she is interested is my Service Academy Nominations Board. I speak for all the members of the Board when I say that we look forward to Judge Gilmore's continued service on the Board, and her wise counsel in nominating gifted young men and women from throughout Texas' 8th Congressional District to attend the Nation's service academies. I also speak for the Board when I wish her the very best of luck in her new and challenging assignment.

## UNITED STATES INVASION OF HAITI UNWARRANTED

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. PACKARD. Mr. Speaker, I rise to share with my colleagues the concerns of a constituent of mine, Mr. Steven Burt of Laguna Niguel, CA. In a letter to me, Mr. Burt expressed his fears of an American invasion of Haiti. Mr. Burt has a personal interest in this issue; his son is a U.S. marine and is currently aboard the U.S.S. Inchon, which currently sits off the coast of Haiti. I have the same concerns as Mr. Burt and I would like to share some excerpts from his letter.

> There are no American citizens being held in Haiti against their will. There is no Communist threat. There is no economic benefits to be won or lost in Haiti. There is no one who will reimburse our warchest. There is, however, a political threat regarding Haiti, and that is the threat to President Clinton's face. Soldiers should not be left to defend the character of a U.S. President. Soldiers should not be left without a Congress that lacks courage.
>
> There is absolutely no reason for my son to be put in jeopardy in Haiti. Democracy and its freedoms must be fought for, first, by native sons and daughters. This is not happening in Haiti . . . show me one piece of rational that I can lay at my son's grave or carve on his tombstone. Then, and only then, will I sleep at night with the comfort that a supreme sacrifice could be justified.

Mr. Speaker, I agree with Mr. Burt's position on this issue. While I support the restoration of democracy in other countries, I will not support military intervention to accomplish this unless vital American interests are clearly at stake. The situation in Haiti does not meet this criteria, and thus a United States invasion of Haiti would be unwarranted. American men

and women should not be sent into combat as a substitute for sound foreign policy.

## CIPE'S PROJECT IN HUNGARY

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to commend the Center for International Private Enterprise, an affiliate of the U.S. Chamber of Commerce and one of the core institutes of the National Endowment for Democracy, on its participation in producing "Crossed Paths: Strengthening the Road to Private Sector Growth." This study was produced as a part of CIPE's legal and regulatory reform in Hungary project with funding from the U.S. Agency for International Development.

The most exciting part of CIPE's project was that it forged a strategic partnership between seven leading Hungarian think tanks and set up an advisory board of Hungarian business, media, and academic leaders. This kind of real partnership is all too rare in our foreign assistance efforts and I commend USAID for supporting this work.

The joint study issued a set of recommendations, including a decrease in corporate taxes of up to 30 percent, major social security reform, and a national land registry and mortgage loan system. The organizations making these recommendations were: the Budapest University of Economic Studies, real estate market; Financial Research, Ltd., financial sector; the Foundation for Market Economy, informal sector; the Institute for World Economics/Blue Ribbon Commission Foundation, privatization process; the Kopint-Datorg Foundation for Economic Research, tax system; and the Public Policy Institute, private sector development and local government.

CIPE will sponsor a conference in Budapest in September, which will produce a more complete analysis. The final report will be disseminated to leading Hungarian policymakers.

To date, the list of recommendations of the report include:

In order to channel more personal savings into privatization, the dumping of government securities must be restricted.

A customer-friendly network of local branch banks must be established where local bankers and small entrepreneurs can prepare business plans together.

The corporate tax should be decreased to 30 percent and the minimum tax must be eliminated.

Capital investments, especially as regards the application of advanced technology, must be promoted with tax allowances and accelerated depreciation.

Basic social security reform is inevitable. The mandatory social security contribution, which entitles contributors to the basic services, should be decreased to between 15 and 25 percent.

Venture capital companies, following the successful example in some Asian countries, and regional or sectoral companies should be formed to promote investment into small enterprises.

In order to boost the market for turnover to land, a new system of land valuation and registration must be developed and adhered to. An inevitable prerequisite for a workable mortgage system is the establishment of an up-to-date, legitimate land registry system.

A national network of mortgage loan and land loan financial institutions must be established having the overriding mandate to serve the needs of the entire agricultural community.

"All in one", one-stop offices must be created where representatives of all the applicable agencies and authorities, together with the banks, are housed under one roof so that a candidate may establish a company with minimal effort.

## TRIBUTE TO EUNICE CASTRO

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. DIAZ-BALART. Mr. Speaker, I would like my colleagues to join me in recognition of Eunice Castro's fine work as a journalist for the Galeria section of El Nuevo Herald as well as her authorship of a series of biographical novels—in particular your work on Jose Marti—I would like to extend my sincerest congratulations to her.

The nature and success of Ms. Castro's work truly is commendable. Her writings have served as a bridge to unite the Spanish speaking communities throughout the Americas, and have earned her recognitions from the Argentine and Canadian Governments. Eunice Castro's work has served as an inspiration for many in our community.

I would like to publicly congratulate her and extend to her my sincerest admiration, for all this and much more. I wish Eunice Castro and her family continued success and good fortune.

## AMERICA NEEDS TO REGAIN VISION IT TOOK TO ACHIEVE MOON LANDING

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an editorial which appeared in the Omaha World-Herald on July 19, 1994.

[From the Omaha World-Herald, July 19, 1994]

AMERICA NEEDS TO REGAIN VISION IT TOOK TO ACHIEVE MOON LANDING

For many Americans, the memories are sharp, inked in black and white like the pictures on the front pages of newspapers across the country.

Neil Armstrong, fresh-scrubbed farm boy from Ohio, Ungainly in a pillowy white space suit, step-hopping down onto the surface of some place that was not the Earth. Dust fountaining up from his boot in slow motion. Footprints on a world where no foot had ever set down before.

Twenty-five years has passed since that moment. Twenty-five years since Apollo 11, years full of significant events—wars, death, births, changes for the better, changes for the worse.

When Astronauts Armstrong, Buzz Aldrin and Michael Collins were strapped into their small space capsule atop an enormous Saturn rocket, they flew more than the first mission to the moon.

The technological wizardry that boosted them so high, so fast was staggering. The Soviet Union had launched Sputnik, the first orbital satellite, hardly more than 10 years before. The United States played catch-up for only a short while. Then it began leading—to the moon.

With the launch, July 16, 1969, went the prayers and hopes of millions of Americans. The mission unified the nation at a time of dissension. People were awestruck at the feat. Everyone wanted it to succeed.

And it did. Armstrong bounced down on the moon's surface. Aldrin followed. They cavorted playfully in the moon's lighter gravity. They planted a rigid U.S. flag where no breeze would ever blow. They gathered moon rocks. They came back to their home planet, Earth, as the first men who had touched another world.

How audacious it was, that journey. How magnificently bold. For millions of years, the moon had hung in the heavens, waxing and waning with the days. Airless, waterless, a place of love songs and dreams.

And aspirations. Just as, not a decade before, Ohioan John Glenn's first orbit of the Earth inspired a generation, so did Armstrong's "small step for (a) man." But where has his "giant leap for mankind" taken the nation?

Where, indeed. Sadly, it seems that the vision that gripped the United States in those days has been mislaid. Apollo 11 encouraged Americans to look at the future, and anticipating that future made them proud.

There are the Apollo projects of today? Visions of the moon, Mars and beyond have been replaced by . . . what? The space shuttle program, while scientifically fascinating, does not inspire wonderment. The orbiting space station, thought by many to be the next step after lunar exploration and the first real step toward Mars, has been delayed and diminished to virtual insignificance.

For the nation, there is no grandeur. There is no sense that the human mind will have to stretch to encompass the future. There is no vision left.

It could return, though. A rededication to the space effort, an expansion of NASA's goals, could get it rolling.

It would take national leadership committed to the future, as was President John F. Kennedy during his three years in office. It would take national will, as was required to maintain a moon-landing program while simultaneously waging a war in Southeast Asia.

And it would take vision that isn't mired in the mundane, something that the Clinton administration hasn't yet displayed.

The United States is the only country capable of doing it. It should be done.

## THE CONGRESSIONAL HIGH SCHOOL ART EXHIBITION

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Ms. SLAUGHTER. Mr. Speaker, for the past several years, I have had the pleasure and

honor of participating in the opening ceremonies of the congressional high school art exhibition, the extraordinary display of artwork which enlivens the walls of the Cannon Tunnel. It is sponsored annually by the Congressional Arts Caucus, which I chair. Each of the 279 Members of Congress who participated in this unique project this year recognize its valuable role in celebrating the talent and imagination of the many gifted artists from each of their congressional districts.

I was especially delighted to receive such a thoughtful letter from Ms. Stacey Mack, of Niceville, FL, who reminded me of why so many of us take part in this project each year. Her work is the winning entry from the First District, Florida represented by my friend and colleague Mr. HUTTO. It will hang along with other artworks through May 1995.

This exhibition is about celebrating the arts, encouraging our young people, and providing them with a forum to share their ideas, dreams and visions. In the most pleasing way, these high school students give us insight as to what is happening in their lives and around our country—a valuable gift indeed. These young people deserve our recognition and support, and I am pleased to share this young lady's thoughts with you today.

JULY 1, 1994.

MS. SLAUGHTER: My name is Stacey Mack. Last Tuesday, I was given the honor to attend the 1994 Congressional Art Competition in Washington, D.C. I was just writing to let you know how appreciative I was. The meetings we had with the great faces and places of the nation's capital were experiences that I will truly never forget.

As a graduated senior, I am thankful that my artwork was chosen. If it had not, then I would have missed out on a delightful and educating occasion. It is a tremendous honor to have my artwork hung in the U.S. Capitol. I would also like to thank you for going through the trouble to have Mr. Dean Cain as a guest. He was extremely friendly to each and every one of us, and by far served as a "super" man.

All and all I just wanted to thank you and everyone else for all of your work in creating an unforgettable afternoon for 200 high school artists who went home that night smiling.

Sincerely,

STACEY MACK,
*Niceville, FL.*

## MUCH HAS BEEN OMITTED ON THE CYPRUS ISSUE

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. BURTON of Indiana. Mr. Speaker, much has been said about the Cyprus issue, but much has been omitted. Turkey strongly supports a lasting negotiated settlement on Cyprus and the establishment of a bizonal, bicommunal Federal State there in which the Turkish Cypriot and Greek Cypriot communities are represented on an equal footing. Turkey supported U.N. confidence building measures [CBM] early on, and encouraged Turkish Cypriots to do so.

Turkish Cypriot President Rauf Denktas—June 16, 1994—accepted all of the points raised by the United Nations in connection with the package of confidence building measures [CBM's] and is ready to sign the agreement as one integrated text.

By contrast, Greek Cypriot Leader Glafcos Clerides has vowed to resign if the U.N. Security Council insists on pursuing the CBM's and has even rejected any further negotiations on the CBM package.

Turkish Cypriots were one of two constitutionally and politically equal components of the binational Republic of Cyprus under the London and Zurich Agreements of 1960. Greek Cypriots, however, considered Turkish Cypriots an obstacle to turning Cyprus into a Greek island and uniting it with mainland Greece. U.N. peacekeeping forces were unable to prevent a succession of massacres of Turkish Cypriots between 1963 and 1974.

Turkey was compelled as a last resort to intervene in 1974 in accordance with its 1960 Treaty of Guarantee obligations when, in the words of the then Cypriot President Archbishop Macharios, "The military regime of Greece * * * callously violated the independence of Cyprus * * * clearly an invasion from outside, in flagrant violation of the independence and sovereignty of the Republic of Cyprus." The Greek aim was the annexation of Cyprus to Greece. This and imminent annihilation of the Turkish Cypriots were prevented solely by the timely intervention of Turkey as one of the three treaty guarantors of Cyprus' independence. The others were Great Britain and Greece.

The intervention ensured the security and freedom of the Turkish Cypriots and resulted in the 20 years of peace the island has experienced since. Over a period of 11 years prior, from 1963 to 1974, Turkish Cypriots had become refugees in their own homeland. Thousands had been killed or maimed, hundreds had disappeared, and a quarter of the Turkish Cypriots rendered homeless by the Greek Cypriot policy of repression.

An externally imposed settlement on Cyprus would be a recipe for renewed intercommunal strife and a loss of life similar to that which occurred before Turkey's intervention in 1974.

Mr. Speaker, any solution to the Cyprus problem must prevent the loss of life incurred before 1974, and provide for the security of all Cypriots.

## TRIBUTE TO CHARLES V. CUMMINS

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. LEWIS of California. Mr. Speaker, I would like to bring your attention to the fine work and outstanding community service of Charles V. Cummins of Upland, CA. Charlie, who is a long time friend, will be awarded the prestigious Dr. William H. Craig Visionary Award in appreciation of his dedication to San Antonio Community Hospital and his community at a gala dinner-dance held in his honor on October 21, 1994.

Charlie has been a long time supporter of San Antonio Community Hospital. His involvement began as a building fund and capital campaign donor. From April 1978 to December 1986, Charlie served as a member of the hospital's board of trustees. During this time he was active on various committees, and he held the office of treasurer in 1986. In March 1986, he was elected to the board of San Antonio Health Services, Inc., and he is currently serving as treasurer of the corporation.

Over the years, Charlie has been a founding member and president of numerous civic and community-based organizations including the Downtown Business Professional Association, the Ontario Motor Speedway, the Greater Ontario Visitors and Convention Bureau, and the Ontario Rotary Club. In addition, he is serving as president and chairman of the board of the Ontario Chamber of Commerce.

Under President Reagan, Charlie was one of the first appointees and later president of the State board of pharmacy. He has been active politically serving as a delegate to the Republican National Convention, and currently serves on the State Republican Central Committee.

Mr. Speaker, I ask that you join me, our colleagues, Charlie's family, and his community in honoring this unique individual for his continual service to his community. Throughout the years he has shown a commitment to San Antonio Community Hospital as well as the people within his community and it is only fitting that the House recognize him today.

## THE FDA MUST PLACE PATIENTS ABOVE POLITICS

### HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. COX. Mr. Speaker, one of my constituents, Mr. Steve Coonan of Coonan Clinical Labs in Costa Mesa, CA, has been fighting the Food and Drug Administration for approval to market a kit that would allow individuals to test themselves for antibodies to the AIDS virus in the privacy of their own home.

Despite the obvious health benefits of allowing such a product to come to market, the FDA has—for more than 5 years—effectively barred such HIV home test kits from the marketplace.

I commend to my colleagues the following Forbes magazine article by the Manhattan Institute's Peter Huber, which discusses the broader implications of the FDA's murderously paternalistic behavior with respect to HIV home testing.

Given that HIV infection is in some measure treatable and that the spread of the virus is certainly preventable, it's high time that the FDA remove the bureaucratic obstacles it has placed in the way of people who want to learn vitally important things about their own health.

[From Forbes magazine, Aug. 1, 1994]

BLOOD TESTS

(By Peter Huber)

To dramatize the gay artist's problems, Ron Athey sliced into another man's back during a theater performance and splattered blood everywhere. Whether or not federal taxpayers should fund such shows, a performer almost certainly does have a First

Amendment right to draw a bit of blood in the name of his art.

It's equally clear why O.J. Simpson had to hand over to the police blood and hair samples that could incriminate him. Courts resolved long ago that compelling tests like these does not violate the Fifth Amendment right against self-incrimination.

Why then are we forbidden to test our own body fluids, at our own expense, for no one's entertainment or edification but our own? You didn't know you couldn't? Well, you can't. I refer to the do-it-yourself blood test for antibodies to the AIDS virus. This test has been effectively barred from the market by the Food & Drug Administration for over five years.

The stock objections are familiar and wholly unconvincing. Learning by phone (after you send your home-test sample to a lab) that you have been infected by the human immunodeficiency virus may indeed be more of a shock than learning face-to-face. But discovering a signature AIDS lesion on your arm, or testing positive in a hospital after you come down with strength-sapping pneumonia, or after you've infected your best friend, is surely worse. Face-to-face counseling may indeed help when you're getting horrible news. But HIV infection is in some measure treatable, and the spread of the virus is certainly preventable, so developing information as quickly and cheaply as possible must surely be the paramount objective.

The very thought that we should limit when and how people learn vitally important things about their own health, just because they might otherwise rush to the arms of Dr. Kevorkian, seems murderously paternalistic. Sure, knowledge has its perils. But not knowing is more dangerous. If free-speech rights protect Ron Athey's expressive blood, they ought certainly protect occasions where free speech could save lives immediately.

Quite apart from the pragmatic calculus of saving lives, there's a much larger principle at stake. Home medical test kits provide information, no more. They trigger a dialogue between the willing testee and a willing lab technician at the other end of a phone line. If we didn't live in such statist times, and weren't so preoccupied by virtuosi like Athey, state attempts to bar such dialogue would shock anyone even vaguely interested in civil liberty.

But principle doesn't seem to matter much when political constituencies are weak, and they are here. The communities most vulnerable to HIV infection have long been ambivalent about testing. They fear (correctly, no doubt) that information in the wrong hands promotes paranoid discrimination. Meanwhile, David Kessler's FDA is popular in liberal circles, and many "liberals" suddenly turn big-brotherish when the cause of individual freedom is served by big business operating at a profit. So the HIV home-test kit stays off the market.

If the FDA tried to outlaw, or even drag its bureaucratic feet on, a home fertility or pregnancy test, women's rights groups would see to it that Kessler was fired. Pregnancy can be tremendously upsetting; when the blue stick turns pink, some women's thoughts might turn to Kevorkian. Too bad; a woman's right to find out conveniently, and privately, far outweighs her rights to be protected from the hazards of knowing. Government officials can undoubtedly see to it that tests perform as promised, just as doctors and hospitals are licensed to deliver effective therapy, not snake oil. But barring reliable diagnostic information because it might badly frighten someone is unconscionable in a free society. One might equally well ban confessionals, because discussions of the hereafter are sometimes pretty grim.

As HIV home-test kits sink unnoticed into viscous Washington bureaucracies, where are the people who so vigorously defend the teenager's constitutional right not only to discuss abortion with her doctor but to act on the discussion? A "right to privacy" that covers a curette in the uterus but not a needle in the thumb is no right at all.

The only way to find out which kind of principle we're dealing with—a constitutional one or a raw political one—is to go to the Supreme Court and ask. No big drug company is going to risk the FDA's enduring wrath by carrying home-testing to the Supreme Court. But others can and should. An individual hemophiliac, for example, would surely have legal standing to do so. At stake here is your right to attend to your own health, on your own time, in the privacy of your own home, when David Kessler can't make a house call to look after you.

## NEW JERSEY PRIDE HONOR ROLL: LEADERSHIP IN A CHANGING WORLD

### HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. GALLO. Mr. Speaker, we live in a world which is constantly changing, and it is imperative that research and development of new armaments and weaponry is always state-of-the-art.

When our military personnel engage in conflict, or even train for potential conflicts, they must be confident that they are properly equipped to perform precisely and effectively.

Picatinny Arsenal, which I am proud to represent, has always been a great source in the development and engineering of armaments because of the immense dedication and hard work of its men and women.

In keeping with the tradition of the fine people who work at Picatinny, it is my distinct pleasure to recognize a man who has provided leadership during a time of great change and who will leave Picatinny a stronger, and better equipped installation than it was when he arrived.

Brig. Gen. Harvey E. Brown assumed command of the U.S. Army Armament Research, Development and Engineering Center [ARDEC], Picatinny Arsenal, NJ, on June 30, 1992. He has distinguished himself in numerous leadership positions culminating as the commander of ARDEC.

General Brown believed that the public should be well informed to the activities of Picatinny, and he has successfully promoted good community relations between the base and the surrounding municipalities.

His vision for Picatinny was to expand its bases' mission to include state-of-the-art environmental protection and cleanup systems. Keeping in mind the surrounding community, General Brown and I were able to secure the construction of improved facilities for the preparation and scale testing for mines and artillery. These new facilities provide less disruption to surrounding communities.

General Brown also understood the importance of upgrading base facilities to a point where they could compete into the 21st century. The Armament Technology Facility, which was named after Maj. Marie Rossi-Cayton, is a high-tech weapons test center. Also, the base's electrical system was improved in order to bring Picatinny's electrical capacity up to the level needed to provide an adequate and reliable source of power.

On September 30, 1994, General Brown will be retiring from the U.S. Army, however his accomplishments will last forever.

He directed ARDEC's attention toward the Army's vital battle lab and Louisiana maneuvers initiatives. ARDEC became the lead Army Material Command [AMC] agent responsible for synergizing AMC, industry, and academia support to the depth and simultaneous attack battle lab.

For two consecutive years, ARDEC led the way in the Department of the Army and AMC to bring new and innovative acquisition principles to the armament community. The initial effort focused on case telescoped ammunition technology and was the basis for an expanded international cooperative program in this revolutionary capability.

General Brown provided guidance on the development of M919 ammunition for the 25mm medium caliber gun [Bushmaster] used on the Bradley fighting vehicle. He was involved with management of a family of warheads for the Hydra–70, 2.75 inch rocket system, and provided contributions to the development of several reusable mortar training cartridges. His insight led to modifications to the squad automatic weapon [SAW] which eliminated a serious malfunction condition.

Faced with a significant loss of operating funds due to the cuts in key programs, General Brown directed special efforts to "rightsize" and reorganize ARDEC. As a result, approximately 13 percent of the total work force were separated voluntarily without the necessity of a reduction in force or adverse actions. Under his direction, ARDEC was selected as an Army finalist for the Research and Development Center of the Year Award, and received an honorable mention as one of the Army's most improved installations under the Army Communities of Excellence Program.

General Brown has been committed to excellence since he was commissioned in 1963.

Assignments throughout his successful Army career included: Commander, Headquarters and Company A, 801st Maintenance Battalion, Division Support Command, 101st Airborne Division [Air Assault], Vietnam; personnel management officer, in Washington, DC; chief, Personnel Services Division, U.S. Army Ordnance Center and School, Aberdeen Proving Ground, MD; inspector general, 25th Infantry Division and Commander, 725th Maintenance Battalion, 25th Infantry Division, Schofield Barracks, HI; chief, Combat Support Career Division and chief, Maintenance Branch, U.S. Army Military Personnel Center, Alexandria, VA; commander, Division Support Command, 4th Infantry Division [Mechanized], Colorado; commander, 13th Corps Support Command and the assistant chief of staff, G–

4 [Logistics], III Corps, Fort Hood, TX; commanding general, U.S. Army Material Command-Europe, U.S. Army Europe and Seventh Army.

From December 1990 to June 1992, General Brown served consecutively as the deputy commanding general for logistics [22d Support Command] and as the commanding general, U.S. Forces Central Command [Forward]. During Operation Desert Shield/Storm and the following cease-fire campaigns, he commanded and controlled the largest logistical deployment and redeployment in recent time.

General Brown's awards and decorations include: Legion of Merit with two Oak Leaf Clusters, Bronze Star Medal with two Oak Leaf Clusters, Meritorious Service Medal with Oak Leaf Cluster, Army Commendation Medal with three Oak Leaf Clusters, Expert Infantryman Badge, and Parachutist Badge.

He holds a bachelor of science degree in commercial marketing and a master of business administration in business from Oklahoma State University. He is also a graduate of the Infantry Officer Basic Course, the Ordnance Officer Advanced Course, the U.S. Army Command and General Staff College, and the Industrial College of the Armed Forces.

Mr. Speaker, I ask my colleagues to join with me to thank Brig. Gen. Harvey E. Brown for the excellence and dedication he has shown in the service of his country and to wish him all the best in his future endeavors.

## DOMESTIC POLITICS IN ARMENIA

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. HOYER. Mr. Speaker, usually when we read about Armenia in the newspapers, the story concerns the war in Nagorno-Karabakh or the terrible energy shortages caused by Azerbaijan's embargo. But in anticipation of the planned visit to Washington by President Levon Ter-Petrossyan on August 9, I would like to make a few remarks about the domestic political situation in Armenia.

Compared to its neighbors, Azerbaijan and Georgia, Armenia has been a haven of political stability. President Ter-Petrossyan—one of the very few leaders of a former Soviet Republic who was not a Communist apparatchik—has been in office since 1991. The parliament elected in 1990 has not been dissolved, and there have been no coups or armed uprisings. There is a very active political opposition, which participates in parliamentary deliberations, propagates its views through a highly diverse press, and organizes rallies of its followers.

In fact, the opposition has taken full advantage of the freedom to demonstrate against the government with a recent rally drawing some 20,000 people in Yerevan. One of the most serious bones of contention is the question of Armenia's post-Soviet constitution and the mode of its ratification. President Ter-Petrossyan favors a draft that envisions a strong president, which would be adopted by referendum. Opposition parties prefer a parliamentary system, and call for a constitutional assembly to pass Armenia's new basic document. At present, no agreement has been reached on either of these key issues.

In a June 13 address to parliament, President Ter-Petrossyan defended his constitutional preferences and mentioned some other controversial points. For example, he emphasized the need for a unitary State, as opposed to giving the country's regions more decision-making powers and territorial self-government. Many other former Soviet Republics, especially Russia, have experienced a confrontation between center and regions, often involving tensions between majority and minority nationalities. Evidently, Armenia, despite its small size and national homogeneity, must also address this issue.

But the point, Mr. Speaker, is that there is a functioning political process to deal with natural differences of opinion on critically important aspects of State-building that all newly independent countries must confront. The political opposition, while extremely vocal in its criticism of the Ter-Petrossyan government and its policies, has made no effort to overthrow the Government. Armenia has endured 5 terrible years which no society could live through without great strain. Possibly the very need to pull together because of the Nagorno-Karabakh conflict has outweighed the divisive pull of divergent views and has kept the expression of these differences within manageable bounds. Still, it is remarkable that the political fabric has remained as sturdy and as calm as it has.

Most United States aid to Armenia has up to now naturally been humanitarian in nature. But as President Ter-Petrossyan prepares to arrive in Washington, he also undoubtedly has in mind American assistance on ending the hostilities in Nagorno-Karabakh and addressing developmental tasks in Armenia. The United States stands ready to aid Armenia in bringing about, within the CSCE process, a ceasefire in Nagorno-Karabakh and launching political negotations on its future status; and fostering the consolidation of a democratic, pluralist, free market State, which has already been born and is struggling on, despite the most adverse imaginable circumstances.

## CONGRATULATING ALFRED BRODSKY

### HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to congratulate Alfred Irwin Brodsky, affectionately known as Buby, who, at the age of 84 years old, will celebrate his bar mitzvah on July 30.

Born on August 19, 1910, Buby Brodsky has lived his entire life around the New York metropolitan area. Married to Dolly Lefkowitz for more than 40 years, Mr. Brodsky has thrived in a number of occupations, including the delivery of milk, door to door, by horse and wagon, sales for Nabisco, the ownership of his own grocery store, and finally returning to the milk industry from which he retired after holding a management position with Dellwood Milk.

Since his retirement, Mr. Brodsky has dedicated his time toward volunteer work. Along the being a volunteer at the Long Island Jewish Medical Center, Mr. Brodsky also volunteers for the New York City Senior Nutrition Program, known as SNAP. With SNAP, he has been certified as a blood pressure technician and provides free blood pressure screenings for senior citizens. In addition, Mr. Brodsky serves meals to senior citizens at their community center and prepares meals to be delivered to homebound seniors. Finally, Mr. Brodsky performs in musical shows that travel to various nursing homes. These shows serve to bring cheer to those seniors incapable of leaving their facilities.

After studying for more than 2 years, Buby Brodsky will fulfill a lifelong dream of having a bar mitzvah. He will be joined on this momentous occasion by his wife Dolly, his two sons, his daughter-in-law, six of his grandchildren and two of their spouses, two great grandchildren, and many of his friends from SNAP.

Mr. Speaker, it is apparent that Alfred Irwin Brodsky is truly a special person. I ask my colleagues to join me in congratulating Mr. Brodsky for touching the lives of so many and fulfilling his lifelong dream.

## FOURTH ANNIVERSARY OF THE SIGNING OF THE AMERICANS WITH DISABILITIES ACT

### HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mrs. COLLINS of Illinois. Mr. Speaker, today at the White House nearly 3,000 people joined the President and Mrs. Clinton, Vice President and Mrs. Gore, and a number of our colleagues to mark the fourth anniversary of the signing of the Americans with Disabilities Act [ADA]. I want to take this opportunity to commend the National Council on Disability for their work in creating the ADA and for now ensuring its implementation. I also would like to commend President Clinton for his wise decision to appoint my friend, Ms. Marca Bristo as the chairperson of this distinguished council.

Four years ago yesterday, the ADA became law. Its passage marked one of this body's finest moments. We came together to extend true civil rights to millions of Americans who had been locked out and segregated from society. People with disabilities issued us a challenge to reaffirm the principles of equality and justice upon which our Nation was founded and I am proud of the way we rose to meet that challenge.

Now, people with disabilities, along with millions of other Americans, have issued another challenge. They have challenged us to affirm by our actions that decent health care is a right for all Americans.

Perhaps the single most significant barrier which remains for the disabled is the lack of access to quality health care coverage. Of course, this barrier is faced by millions of nondisabled Americans as well.

As we rose to the challenge of the ADA for the rights of people with disabilities, I urge my

colleagues to rise to this most recent challenge from Americans to guarantee the basic right of every American to quality health care coverage which cannot be taken away.

We will be judged by America for the way we respond to this challenge. I hope that I am as proud of our action on health care as I was of our efforts on the ADA 4 years ago.

## DREAMS OF HOME OWNERSHIP NOW POSSIBLE FOR THOUSANDS IN CENTRAL NEW YORK

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. WALSH. Mr. Speaker, on July 22, 1994, the House of Representatives overwhelmingly approved the Housing and Community Development Act of 1994. This is an example of Government passing a good piece of bipartisan legislation. I supported this bill because it will make the American dream of home ownership a reality for many of my constituents in central New York.

I believe one facet of this legislation will benefit people most directly. H.R. 3838 will raise the current FHA-insured loan limit of $67,500, established back in 1979, to $101,575—and higher in areas where housing costs are above the national average—expanding home ownership opportunities for almost 2 million hard-working middle-income Americans who would otherwise be unable to purchase a home.

The higher limits not only help new home buyers, they benefit all of us by fueling new home purchases and strengthening the economy. The construction and real estate industries employ thousands of central New Yorkers and with new home construction dipping in most parts of the country, this action is well timed.

Although opponents contend that raising FHA loan limits will undermine the ability of low-income families to obtain loans, I disagree. Increasing the ceiling on loan amounts will shore up the insurance fund reserve and expand loan services to many who would otherwise be unable to afford a home.

I applaud my colleagues for passing this bill and look forward to witnessing thousands of families realize their dream of owning a home.

## FOR THE RULE ON H.R. 4003, THE MARITIME ADMINISTRATION AND PROMOTIONAL REFORM ACT OF 1994

### HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. GIBBONS. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of title II of the bill, H.R. 4003, the Maritime Administration and Promotional Reform Act of 1994, as amended by the Committee.

## IN COMMEMORATION OF IRV KUPCINET'S 50TH PURPLE HEART CRUISE

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. GUTIERREZ. Mr. Speaker, I would like to take a moment to let my colleagues know about a special event taking place in my hometown of Chicago this afternoon, and the special person making it possible.

For the 50th year, veterans of our Nation's Armed Forces are taking part in the annual Purple Heart Cruise. Hundreds of these men and women are enjoying a pleasant summer day traveling by boat on the Chicago River, passing by the buildings that make up our city's familiar skyline.

And, making all of this possible is someone who is just as familiar to Chicagoans, and just as much an emblem of our city as any of those landmarks. His name is Irv Kupcinet.

Irv Kupcinet—"Kup"—has been at the center of the action in Chicago during many of the great events over the years.

As one of our town's best known journalists, he has introduced us to Presidents and performers, mayors and maestros, Cubs and comics. On radio, on television, and in the newspaper—he has brought us Bears games at Soldier Field, politics at city hall, and quips from the Pump Room.

His columns from the Sun-Times are must reading for those who want to keep tabs on the comings and goings of Chicagoans.

It is worth pointing out that although Kup has made his career through words, he also is a man of action. And one of his acts has been this annual display of gratitude.

As the Purple Heart Cruise demonstrates, Kup is not simply a journalist, nor is he interested only in the feats of the famous. He wants Chicagoans to know about all of the people who have made this country great. Some of those folks do not have household names. But, as Kup reminds us, they are the ones who made the great sacrifices that protected all of us in times of war and peace.

During the Purple Heart Cruise, there is camaraderie and entertainment and lots of stories retold. But, most of all, there is a message that the sacrifices made by our veterans are not forgotten.

For 50 years, Kup has been making sure that Chicagoans remember that because of these veterans we live in a country that is free and secure.

Mr. Speaker, I have the privilege of serving on the House Veterans' Affairs Committee. I do so with the hope that I can fulfill the obligation that we owe to our Nation's veterans, that I can help serve those who have served us.

When I need an example of how to best act upon that conviction, I can look to the deeds of many people within this Congress. And, I can also look to the deeds of Irv Kupcinet.

I know that many Members join with me in wishing Kup another successful Purple Heart Cruise and thanking him for the work he continues to do on behalf of the veterans of this Nation. And I know that all of you will join me in congratulating Kup on 50 years of the Purple Heart Cruise.

## THE LEGACY OF WINFIELD SCOTT STRATTON

### HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Mr. HEFLEY. Mr. Speaker, on July 30, alumnae and friends of the Myron Stratton Home will honor the memory and accomplishments of Winfield Scott Stratton, founder of the Myron Stratton Home, and a man who gave so much to Colorado and Colorado Springs specifically. In honor of that event, I ask that the address of David P. Strickler, former trustee and attorney of the Myron Stratton Home be printed in the RECORD. These remarks were originally made at the founders day event on July 22, 1924, and they present the fascinating account of Mr. Stratton's legacy.

[Address by D.P. Strickler at the Kiwanis Club Lunch, Sept. 2, 1942]

WINFIELD SCOTT STRATTON AND THE MYRON STRATTON HOME

Winfield Scott Stratton was born July 22, 1848 in Jeffersonville, Indiana, and died September 14, 1902, in Colorado Springs. He was the son of Myron Stratton and directed in his Will that his Home be created, maintained and named the Myron Stratton Home as a memorial to his father.

Winfield Scott Stratton obtained his education in the public schools at Jeffersonville and from the Academy located in that city. He learned the carpenter trade in his father's ship building yards under the tutorship of one Christian Hein, and became an expert draftsman.

When twenty years of age he, like so many other young men of that time, left his home to seek his fortune in the West.

Shortly after arriving in Colorado Springs Mr. Stratton erected a carpenter shop where the Stratton office is now located, which is 117 East Pikes Peak Avenue, and engaged in general contracting, building some of the principal buildings in the city in the early days.

Mr. Stratton prospected for 17 years in the San Juan, Leadville, Breckenridge and other points and although during this time located several mining claims, none of them ever amounted to anything until on the 4th day of July, 1891 he located the Washington and Independence claims in the Cripple Creek Mining District. He named the claim "Independence" because he discovered it on the 4th of July.

During the time he was unsuccessfully prospecting he studied metallurgy, under Professor Lamb at Colorado College, and attended the School of Mines at Golden. He named one of his mining claims "The Professor Lamb" in honor of his instructor.

After he made his strike in the Cripple Creek District he built the first building at the School of Mines that had ever been given to it and a resolution of the State Legislature thanking him for this donation is part of the records of this state.

The Independence claim proved to be very rich and with the money that he obtained

from the sale of ore from this claim he first repurchased his old carpenter shop property which he had lost in the Yera Teba venture.

He operated the Independence claim from 1891 to 1899, when he sold it to the Venture Corporation in London for two million pounds, or approximately ten million dollars in our money at that time. The late Verner Z. Reed held the option from Mr. Stratton on this property and obtained approximately one million dollars from the Venture Corporation for the transfer of his option to them.

Shortly following the receipt of this ten million dollars from the English Syndicate as a purchase price for the Independence claim, Mr. Stratton launched into a development program in Colorado Springs. Those associated with him have told me Mr. Stratton believed that it was the duty of anyone who had made a fortune in any given place to use his money in the development of that community and that he was exceedingly critical of those who had made a fortune in the Colorado hills and went to New York or other eastern places and played the stock market.

He purchased the ground upon which the City Hall is now located and offered it to the City upon condition that the City build a new City Hall and that is the reason we now have our present City Hall building. The old City hall stood where the Utilities Building now stands and the second floor was used as a City Hall and the ground floor as a fire station.

He also approached the County Commissioners and offered them a generous price for the old Court House property on condition that they would build a new Court House, and that is the reason we now have our Court House building. The old Court House was located where the Strang Garage now stands. Because of the generous price paid for this property by Stratton, the County was enabled to build the present Court House without the issuance of any bonds.

He purchased the property where the Post Office is now located and offered it to the federal government for 50c on the dollar of its value on condition that the federal government would build the present Post Office building, and that is the reason we have our present post office. He did this, although at that time the post office was located in the Independence Building and the government was paying him rent therefor.

He purchased the street railway company for $500,000 from Mr. Eaton and his associates and then spent one and one-half million in reconstruction of the system and in the purchase and development of Stratton Park.

He did all these things within a four year period of time, because he passed away within about three and one-half years after he obtained his purchase price from the sale of the Independence Mine.

Naturally, Mr. Stratton had suffered many privations in his 17 years of unsuccessful prospecting in the mountains of Colorado and this, I think, caused him to have a particular feeling for those who had not been as fortunate as himself.

It is quite evident that Mr. Stratton was exceedingly critical of the manner in which the public maintained its unfortunates. This appears from that portion of his Will which reads as follows:

"It is my special desire and command that the inmates of said home shall not be clothed and fed as paupers usually are at public expense but that they shall be decently and comfortably clothed and amply provided with good and wholesome food and necessary medical attendance, care and nursing to protect their health and insure their comfort."

Thus by example he set a standard to improve the condition in life of those who are so unfortunate as to make it necessary for them to resort to public aid.

Mr. Stratton stated in his Will as to those who are qualified for admission as follows:

"Those who are by reason of youth, age, sickness, or other infirmity, unable to earn a livelihood, and who are not, by reason of disease, insanity, or gross indecency, unfit to associate with worthy persons of the condition in life above named."

I know there have been various rumors that Mr. Stratton intended this Home only for miners and also that he did not intend this Home for children, but it will be noted that he says in this clause of the Will, "Those who are by reason of youth * * * unable to earn a livelihood" as well as those who are unable to earn a livelihood by reason of age.

The interest of Mr. Stratton in the welfare of unfortunate children is also shown in another provision of his Will reading as follows:

"I direct my said Executors to pay to the Trustees of the 'Institute for the education of Mute and Blind' located at the City of Colorado Springs, in the County of El Paso and State of Colorado the sum of $25,000.00 out of the proceeds of my estate, in trust, however, for the following purposes; and sum shall be invested by said Trustees in good and safe interest bearing securities, interest to be paid thereon to said Trustees annually or semi-annually as they shall direct, and such interest shall be paid by them to the Superintendent of said Institute and by him annually distributed among the pupils of said Institute as rewards for such excellence in scholarship or demeanor, or both, as may be prescribed or required by the said Trustees."

It will also be noted that Mr. Stratton made no restriction whatever as to the occupation of any applicant. It is my thought that if he had restricted applicants to a given occupation he would have specified that of carpentry rather than that of mining, because he certainly was a carpenter.

Mr. Stratton's Will further provides that applicants shall be actual residents of the State of Colorado at the time of their application and that applicants from El Paso County shall have preference over applicants from any other part of the state.

The children are educated at the Ivywild School up through the 6th grade and at Cheyenne School from the 7th grade through High School. The Home rules provide that any child that has made a grade equivalent to the average grade of his class shall be entitled to a collegiate education if he so desires, provided in the judgment of the Trustees the child is qualified to profit by such higher education, and several have taken advantage of this rule.

The Cheyenne School orchestra has won the rating "Superior" in the State High School music contests for years. Thirty-four of its thirty-six members were residents of the Myron Stratton Home at the time of the last contest.

The people of the Cheyenne School District have always been most gracious and hospitable in their association with the children from this Home. How much this means to these children may be somewhat gained from an item in the October issue of "The Myron Stratton Home Tellitall", a paper published at the Home and edited by its graduates and sent to all graduates. This item reads as follows:

"Many of you older alumni will remember the heartbreak of trying to make social adjustments when the Home first started the children to the public schools. That seems to be a condition that has been completely overcome during the last ten years; for this year Douglas Potter, one of our Home boys, is Student Body President of Cheyenne Mountain High School."

The religious education of the children is provided for as follows: the children of Protestant parentage who are too young to attend Sunday School alone are taken in Home busses to the United Brethren Church for Sunday School. The children of Catholic parentage are taken in Home busses to Pauline Chapel in Broadmoor. When the children arrive at an age when they can alone attend a church of their own selection they are permitted to do so. The aged residents are taken in Home busses to whatever church they may desire.

The education of the children in thrift and in the value of money is provided for as follows; the children are not given any spending money. Work is provided to enable them to earn their spending money. Each child is required to save one-half of his earnings, thus the child has a material savings account when he leaves the Home.

Mr. Stratton provided in his Will for the payment of approximately one-half million dollars in legacies to relatives and the rest of his estate should go to the Myron Stratton Home to be expended for the erection and equipping of the Home and for its endowment fund. The residue of his estate applicable to the erecting and equipping of the Home and for the creation of the endowment fund for its maintenance was appoximatley $4,300,000 and this amount has been increased to approximately $6,500,000 at the present time. The Will provides that the Trustees shall maintain the Home solely out of the income. This for the evident purpose of assuring the maintenance of the Home for all time, for if the Trustees would have the right to go into the principal for operating expenses it would only be a question of time when there would naturally be no Home.

I am sometimes asked how the youngsters at the Home get along in after life. Practically all of them have made a success in life, and their patriotism has been amply demonstrated by the fact that there are now about 50 in the armed forces of the nation, approximately all of whom have volunteered.

You older folks will remember the storm of protest that went around with the announcement that the Home would be located at its present site. The ground of the protest was that the Home would gather together the so-called "riffraff" children of the community and that such so-called "riffraff" would contaminate the other children of the community by reason of their necessary association with them. Almost thirty years have now passed away since that announcement was made so that it can be fairly said that the record is now made up. As Al Smith would say: "Let us look at the record." This record shows that the children from the Home have accomplished as much on an average as have the average of the children of these objectors. Furthermore, it seems that these children from the Home are perfectly willing to spill their blood in the diseased and reptile infested "fox-holes" of the South Sea Islands in order that these objectors and their descendents may continue to enjoy the American way of life. But no matter. Let us, "Judge not, lest we be judged."3

It is the purpose of the Trustees of the Home to maintain it as a Home and not as an institution, because they believe from the terms of the Will that that was clearly the

intent of the testator. We think his intent has been carried out as nearly as can be and still operate such an organization. I beleive the credit therefor is not due to the Trustees but is due principally to the fact that Carl Stratton Chamberlin, nephew of Mr. Stratton, who knew his uncle's wishes, and who was for such a long time Superintendent of the Home, and to the further fact that Lucy A. Lloyd, the present Superintendent, was trained under him as assistant superintendent for 11 years prior to Mr. Chamberlin's death, and is in full sympathy with this viewpoint.

It is sometimes claimed that bequests of a charitable nature are made for the purpose of restitution to the public by those who have made large amounts of money in questionable ways. This certainly cannot be claimed as against Mr. Stratton. First, for the reason that he made his money, not by taking anything away from anyone else, but by adding to the wealth of the nation through the production of gold from the natural resources of the country. It also cannot be claimed for the reason that Mr. Stratton's deeds show him to be exceptionally philanthropic during his lifetime. During the panic of 1893 some jobless men were marching through the country under Coxey and Browne on to Washington to demand redress. Mr. Stratton made an arrangement with the Salvation Army by which the Salvation Army was to house, feed and clothe the unemployed and he was to pay all bills therefor. He expended over $83,000 one winter in such a manner. He always supported the Salvation Army of Colorado Springs, the free lance philanthropic "Parson" Uzzell of Denver, and the missionary priest, Father Volpe, of the Cripple Creek District, by large donations of money. He was the largest single contributor to the building fund of "Parson" Uzzell's tabernacle in Denver. One of his favorite ways of providing for those who had become incapacitated in industry by reason of accident or who had become too old to be able to obtain employment was to purchase surreys, teams, harness and feed, and a tourist license, thus enabling these people to be self-supporting by their own efforts.

Mr. Stratton was also very considerate of his employees. As soon as he acquired his money he set his two foremen up in the contracting business and gave them all of his construction work. Knowing that they did not have the means to pay the payrolls and material bills, he paid such bills and at the conclusion of the work gave them as their profit 10% of the total cost of such building constructed. It is sometimes said that cost plus originated with World War I, but Stratton practiced this with his foremen long before World War I.

When he returned from Europe he gave $50,000.00 to each of his two key employees and bought homes for others. He always paid the best of wages, but he was exceedingly particular as to the quality of work done.

Some of these same stories that Karshner conceded were untrue also appeared in the book entitled "Timberline" written by Gene Fowler.

Frank Watters in his book entitled "The Midas of the Rockies" states that he has thoroughly investigated the record evidence with reference to this story and pronounces it untrue. Mr. Watters, however, makes other statements in his book which are not founded in fact. However, some of the statements made in his book are based upon stories told him by servants and some other people of an irresponsible nature. Mr. Watters seemed to believe these stories. I think this is because he was a very young man and hence had not lived long enough in the world to realize that it is a trait of human nature that all people like to be important and that this includes people of lowly station in life as well as those who have gained prominence and therefore very often people who are associated with men of prominence in the capacity of servants are prone to magnify their own importance by telling tall stories and thereby bask in what might be termed a reflected glory.

I think Mr. Watters also falls into error in his conclusion that Mr. Stratton was an eccentric. I think the very facts that he gives as grounds on which he draws such conclusions prove the opposite. For example, he gives as one of his reasons that Mr. Stratton purchased bicycles at the height of the bicycle craze for all the girl employees in the laundries in town, although at that time he owned the street car system and would, by reason of such purchase, lose their custom upon the street railway. It is true Mr. Stratton purchased these bicycles but he did it solely because the pay which these employees were receiving was, in his judgment, insufficient to enable them to ride his street cars, and he thought they should not be required to walk back and forth from work after their long hours of labor in hot, stuffy rooms. Personally, I cannot see anything eccentric about that. It seems to me that this shows him to be a man of practical commonsense in the exercise of his instinctive philanthropy.

Mr. Watters also, in his book, uses another illustration in his effort to prove that Mr. Stratton was eccentric. This illustration is the fact that although he was a 32nd degree Mason, he built a Catholic Church in Cripple Creek for a Catholic missionary priest by the name of Father Volpe. I can see nothing eccentric about that, for the reason that Father Volpe put in his entire time and spent every dollar he could collect in relieving the distress of the unfortunate in the Cripple Creek District, and Stratton knew that every dollar he gave to Father Volpe would go to help some "poor devil," and none of it be taken out for the operating cost of some governmental bureau.

To call Stratton eccentric because he, being a Mason, and yet desired to aid a Catholic priest in his philanthropic work, is just as foolish as it would be to call Father Flanigan eccentric because he appeared before the Protestant Ministerial Association in Omaha and requested them to appoint a minister to take charge of religious instruction of the boys of Boys Town of Protestant parentage, and Boys Town to pay the salary of such minister. This, I think, proves but one thing, and that is that both Stratton and Father Flanigan are too broad-minded men to have religious prejudices; and nothing more.

It takes neither courage, magnanimity nor courtesy to assassinate the character of the dead. It only takes a realizing sense of personal immunity. I understand that some of these people claim to be Christians. They could learn a better lesson from the pages of heathen mythology. I do not contend that Mr. Stratton was a saint. I am sure Mr. Stratton himself would not have so contended, for certainly he was not a hypocrite. He had the same virtues and the same weaknesses which were usually associated with men who spent much of their time in the hard, lonely and discouraging life of the prospector, and it is my observation in life that such men are more likely to listen to and heed the cry of distress on the part of the unfortunate than are they who live in smug complacency, and spend much of their time in the atmosphere of religious demagogry.

It is also my view that Stratton's deeds were far more consistent with the precepts of Him who said, "Suffer little children to come unto me and forbid them not, for of such is the Kingdom of Heaven," and who also said "Let him who is without sin cast the first stone," than most of those who have been so active in their criticism of Stratton.

It is also my belief that Stratton's deeds and memory will live long after the memory of such critics and their criticisms will have passed into oblivion.

In conclusion, I wish to honor the memory of the Stratton Home trustees who dedicated their lives to this unique home and to the present trustees under the leadership of Carl Ross, who oversee one of Colorado Springs' landmark institutions.

## ENDORSEMENTS FOR THE INTEGRATED CHILD HEALTH CARE NETWORKS ACT OF 1994

### HON. LYNN SCHENK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 27, 1994*

Ms. SCHENK. Mr. Speaker, last week I joined with my good friend and colleague from California [Mr. LEHMAN] in introducing H.R. 4810, the Integrated Child Health Care Networks Act of 1994. This legislation aims to ensure that children in managed care networks receive a basic level of pediatric and specialty pediatric services.

In drafting this legislation, I have enjoyed the input of the National Association of Children's Hospitals and Related Institutions [NACHRI] and the American Academy of Pediatrics [AAP]. These groups, which are on the front lines of children's health care, have released a joint statement of support for my legislation. I submit these words of support for the RECORD.

JULY 26, 1994.

Hon. LYNN SCHENK,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE SCHENK: On behalf of the American Academy of Pediatrics [AAP] and the National Association of Children's Hospitals and Related Institutions [NACHRI] we want to thank you for seeking our response to your new legislation, H.R. 4810, the "Integrated Child Health Care Networks Act." Our organizations represent respectively the nation's pediatricians and the nation's hospitals specializing in the delivery of care to children.

We strongly support your efforts through H.R. 4810 to address an important issue that the members of the AAP and NACHRI are raising—"Increasing consolidation of adult health care systems, including enrollment of more and more Americans in capitated managed care plans, has the potential to put children at risk if the new systems fail to focus on children's needs."

Because of this, the AAP and NACHRI are collaborating to promote a vision of how children should receive care in such an environment. We believe that "ideally, every child should receive care through an 'integrated child health care network'—a network of pediatrician, pediatric subspecialists

including perinatologists, family physicians, and other health care professionals, which is:

"Expert in meeting the full continuum of children's preventive, primary, acute, subspecialty, postacute, habilitative and rehabilitative, and long-term care, as well as mental health needs;

"Organized to work together to assume responsibility for managing the full continuum of care for a specific population of children, and to provide quality care in a cost efficient manner; and

"Accountable to the public for the health status—the 'wellness'—of the population of children covered, as well as their use of services, according to agreed-upon measures of children's health status and pediatric care outcomes."

We are enclosing a copy of our joint statement which explains in more detail the vision of integrated child health care networks we are developing.

Your legislation translates this vision into the public program that most directly affects children's access to health care—Medicaid—by requiring the Secretary of Health and Human Services to define integrated child health care networks and requiring Medicaid managed care plans to demonstrate how they provide access to care for children through such networks.

This approach makes sense, because today Medicaid is responsible for paying for the health care of one quarter of all of the children in the United States. As a consequence, children represent half of all Medicaid recipients, even though they represent only a quarter of the Nation's population, and they will be affected the most by the rapid shift in Medicaid programs to managed care. Your legislation will ensure a focus on what is in the interests of children, not just the management of Medicaid.

At the same time, H.R. 4810 also serves as a model for private health insurance. That is why we are pleased that you have included authorization for demonstrations of different kinds of integrated child health care networks in private and public sectors. What works for children in one region will be different than in another region, depending on organization of providers, economics of the area, extent of urbanization, and other factors.

We applaud your leadership in articulating in legislation the desire our members know every family has to make sure the health care their children receive is appropriate to their needs. Please call upon our organizations and our members to assist you in promoting the development of integrated child health care networks through H.R. 4080.

Sincerely,

JOE M. SANDERS, Jr., M.D.,
*Executive Director, American Academy of Pediatrics.*

LAWRENCE A. MCANDREWS,
*President and CEO, National Association of Children's Hospitals and Related Institutions.*

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A STATEMENT BY THE AMERICAN ACADEMY OF PEDIATRICS AND THE NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS AND RELATED INSTITUTIONS ON INTEGRATED CHILD HEALTH CARE NETWORKS

Increasing consolidation of adult health care systems, including enrollment of more and more Americans in capitated managed care plans, has the potential to put children at risk if the new systems fail to focus on children's needs. In response, the American Academy of Pediatrics [AAP] and the National Association of Children's Hospitals and Related Institutions [NACHRI] are collaborating to promote a vision of how children should receive care in such an environment.

Ideally, every child should receive care through an "integrated child health care network"—a network of pediatricians, pediatric subspecialists including perinatologists, family physicians, and other health care professionals, which is:

Expert in meeting the full continuum of children's preventive, primary, acute, subspeciality, post-acute, habilitative and rehabilitative, and long-term care, as well as mental health care needs;

Organized to work together to assume responsibility for managing the full continuum of care for a specific population of children, and to provide quality care in a cost efficient manner; and

Accountable to the public for the health status—the "wellness"—of the population of children covered, as well as their use of services, according to agreed-upon measures of children's health status and pediatric care outcomes.

Whether it operates as part of a larger system managing health care for adults and children or it operates as a free-standing network serving only children, the integrated child health care network should have an explicit mission devoted to maximizing the health status of each enrolled child by managing budgeted resources to ensure access to high quality, cost effective care.

In order to fulfill such a mission, an integrated child health care network should be characterized by enrollment of all children in a "medical home" with emphasis on prevention and wellness, regionalization of complex and specialized services, financing based on children's health care requirements, medical education and research devoted to children's needs, and active family involvement in the delivery of care.

The AAP and NACHRI are working together to ensure there is a seamless system of care for children, which guarantees their access to appropriate pediatric services. To this end, AAP and NACHRI members are seeking to further define and promote a shared vision of children's access to care through integrated child health care networks.

Mr. Speaker, both versions of health care reform reported by the Committee on Ways and Means and the Committee on Education and Labor include language which would require health plans to provide children with access to pediatric primary and specialty health care providers. These provisions are consistent with the intent of my legislation.

I believe it is important that the House leadership retain these or similar provisions in the final version of health reform. We need to put children first in our health care system, and I look forward to working with NACHRI and the AAP toward this end.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 28, 1994, may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

JULY 29

9:30 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Federal Communications Commission (FCC).
SR–253

Governmental Affairs
Regulation and Government Information Subcommittee
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Juvenile Justice to examine the video rating system, focusing on violent video games.
SH–216

Judiciary
Juvenile Justice Subcommittee
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Regulation and Government Information to examine the video rating system, focusing on violent video games.
SH–216

10:00 a.m.

Banking, Housing, and Urban Affairs
To hold hearings to examine issues relating to Whitewater.
SD–106

Labor and Human Resources
To hold hearings on S. 2238, to prohibit employment discrimination on the basis of sexual orientation.
SD–430

AUGUST 1

2:00 p.m.

Indian Affairs
Business meeting, to mark up S. 2269, to protect the Native American cultures and to guarantee the free exercise of religion by Native Americans, S. 2075, to authorize funds for and to strengthen programs of the Indian Child Protection and Family Violence Prevention Act, S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and S. 2150, to establish a Native Hawaiian housing program; to be followed by hearings on the proposed Mohican Nation of Connecticut Land Settlement Act.
SR–485

AUGUST 2

10:00 a.m.

Governmental Affairs

Business meeting, to consider pending calendar business.

SD–342

Joint Economic

To hold hearings on economic implications of health care reform.

2255 Rayburn Building

2:00 p.m.

Judiciary

To hold hearings on the nomination of H. Lee Sarokin, of New Jersey, to be United States Circuit Judge for the Third Circuit.

SD–226

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1222, to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, S. 1342, to establish in the Department of the Interior the Essex Heritage District Commission, S. 1726, to provide for a competition to select the architectural plans for a museum to be built on the East St. Louis portion of the Jefferson National Expansion Memorial, S. 1818, to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System, S. 1871, to establish a Whaling National Historical park in New Bedford, MA, S. 2064, to expand the boundary of the Weir Farm National Historical Site in Connecticut, S. 2234, to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that Act, and S. 2303, to provide for the exchange of lands within the Gates of the Arctic National Park and Preserve.

SD–366

AUGUST 3

9:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 1629, to revise the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus, proposed legislation authorizing funds for the National Science Foundation, and proposed legislation relating to mental health and substance abuse programs.

SD–430

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 2101, to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect all underground facilities from being damaged by any excavations.

SR–253

10:00 a.m.

Environment and Public Works

Business meeting, to mark up proposed reforms to the Superfund law.

SD–406

AUGUST 4

9:00 a.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 399 and H.R. 457, bills to provide for the conveyance of lands to certain individuals in Butte County, CA, H.R. 2620, to acquire certain lands in the State of California through an exchange pursuant to the Federal Land Policy and Management Act of 1976, S. 1998, to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, S. 2001, to improve the administration of the Women's Rights National Historical Park in the State of New York, S. 2033, to provide for the exchange of certain lands within the State of Montana, S. 2078, to designate the Old Spanish Trail for potential inclusion into the National Trails System, and H.R. 1716, to amend the Act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek.

SD–366

Governmental Affairs

To hold hearings to examine voter representation for the District of Columbia.

SH–216

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold joint hearings with the Committee on Indian Affairs on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.

SD–366

Veterans' Affairs

To hold hearings on the nomination of Linda Marie Hooks, of Georgia, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities), and pending legislation.

SR–418

Indian Affairs

To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Water and Power on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.

SD–366

AUGUST 10

2:00 p.m.

Veterans' Affairs

Business meeting, to consider the nomination of Linda Marie Hooks, of Georgia, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities), and to mark up pending legislation.

SR–418

AUGUST 11

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 1991, to provide for the safety of journeyman boxers; to be followed by hearings on the oversight of activities of the Olympic Committee.

SR–253

AUGUST 12

2:00 p.m.

Indian Affairs

To hold hearings on the nomination of Harold A. Monteau, of Montana, to be Chairman of the National Indian Gaming Commission, Department of the Interior.

SD–628