SENATE—*Monday, August 1, 1994*

(Legislative day of Wednesday, July 20, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

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

Let us pray:

Commit thy way unto the Lord; trust also in him; and he shall bring it to pass.—Psalm 37:5.

Sovereign Lord, the Senators return to an overwhelming agenda. Some legislation seems to resist consensus or agreement. In an election year, it is important that the Senators be free in August, not only for time with their families and personal rest and relaxation, but to be involved in political campaigns. We pray for a divine visitation upon this body that, in wisdom and power, it may complete legislation which is essential to the future of the Nation.

God of wisdom and love, help Senators realize that they have a resource in God which is always available, at any time, in any circumstance. Help them to realize when the situation looks impossible that, "With God, all things are possible."

We pray this in His name who is incarnate Truth and Love. Amen.

RESERVATION OF LEADER TIME

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

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1513, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1513) entitled "Improving America's Schools Act of 1993."

The Senate resumed consideration of the bill.

Pending:

Hatch amendment No. 2429, to remove the arbitrary floor ceiling of the title I formula, and create an equalization factor allowing States to control the distribution of resources among local school districts in the State.

The PRESIDENT pro tempore. The pending question is on amendment No. 2429. Who seeks recognition?

Mr. KENNEDY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand that the matter that is before the Senate now is a Hatch amendment to the legislation; is that correct? And there is a 1-hour time limit, and the time is evenly divided.

The PRESIDENT pro tempore. The Senator is correct.

Mr. KENNEDY. I thank the Chair. Mr. President, I yield myself 7 minutes.

The PRESIDENT pro tempore. The Senator is recognized for 7 minutes.

Mr. KENNEDY. Mr. President, we hope that over the past few days there has been a focus by the membership on the issues which remain to be resolved on the elementary and secondary education legislation.

One of the prime issues, the issue that is before us this morning, is related to the allocation of funds for the neediest and poorest children in the country. I reviewed, during the debate last week, the essential elements that have been included in the formula. We have included a number of these items.

First of all, we included a weighted formula which was the result of the various studies and reviews and assessments that have been made on chapter 1, both by the Department of Education at the State level and, also, the various foundations.

These have indicated that the areas of greatest need, in terms of poor children, are where there is a concentration of poor children. If the number of poor children are spread through the educational system, their opportunities of advancing at the same pace with the other children at the same time are greatly enhanced.

So, in developing the formula, we gave some weight to the greatest concentrations of poor children, and we will come back to that in a moment.

Second, concerning the cost of educating a child in a particular area and in a particular region, there are some disparities. We focused on that issue as well.

Third, we gave consideration to the concept of an effort factor. More specifically, we wanted to look at what the State is doing in terms of its ability to afford or to pay for education? What is its effort? We tried to give some benefit to those particular States that are making an important effort, in terms of their total available resources, into education.

We also have what we call an equity factor, which is an effort to help reduce the disparity between the poorest school districts and the wealthier school districts. With that, I think, as a matter of policy, we are limited in what we can do.

This is an issue that is being reviewed in the States. There are probably close to 30 States that have had various forms of constitutional challenges. Some States are moving ahead on their own on these issues—the State of West Virginia, the State of Kentucky, the State of Washington. There are several States that have moved along. Some are doing it in different ways.

In my own State of Massachusetts, we now have a commitment over the period of the next 4 or 5 years to provide all of the various school districts with adequate and sufficient funding in the area of education. However, the State has prohibited school districts in more affluent areas from providing additional resources for education in their communities, if they should choose to do so.

Those have been the essential elements. A lot of us have been around this body long enough to know that the elements can vary and that we can see a significant shift in the amount of resources available in this legislation that can go to particular States. We have talked about that and debated it over the period of last week.

In his amendment, the Senator from Utah adds a much more dramatic weight to the equity factor, and in that way, his amendment provides for a rather dramatic skewing of the resources away from where very poor children are. The major losers are eight States, including my own State of Massachusetts. We are a loser—not nearly to the extent that States like Illinois or the State of New York, the State of Michigan, and other States that would be adversely affected.

The basic result of the amendment of the Senator from Utah is that there will be eight States which will be major losers. There will be other States that will gain because you can spread this out.

Just over the weekend, I asked how we could develop the formula in a way that at least 38 States that would gain, including my own State of Massachusetts. The result would be to take very significant funding, help, and assistance away from some of the neediest children in this country that are grouped in different States of the country.

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

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The fact remains that one-third of all the poor children in America are in these eight States. Be it by design or not, the areas that will be most adversely affected or impacted are the major cities in those areas and where there are high concentrations of needy and poor children and where, in many instances—in most instances, as a matter of fact—they are not even the beneficiaries of any of the chapter 1 funds, because we know that chapter 1 does not even begin to reach the total number of very poor children in this country.

So this is where we are, Mr. President. I think that the amendment itself is bad policy. I do not see how there can be any justification for it. We reviewed in some detail the statement of my friend from Utah, and it is very complete in indicating that the real hope and desire and the reason for the amendment is to try to do something about poor children. But it flies in the face of all the reviews, of all the studies, of all the recommendations which have been made to the Congress in reviewing the funding allocations and resources—recommendations and studies which make the very clear and compelling case that the best way to help and assist the neediest and the poorest children is to try to provide the focus and attention where the concentrations of poor children are greatest.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. KENNEDY. I withhold the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, I appreciate the difficulty of my colleague.

The PRESIDENT pro tempore. How much time does the Senator yield.

Mr. HATCH. I would yield 7 minutes to myself.

The PRESIDENT pro tempore. The Senator is recognized for 7 minutes.

Mr. HATCH. I thank the Chair.

Mr. President, the first thing I believe we should do is be honest about why we are here. I am prepared to acknowledge up front that I am offering this amendment because I believe that the State I represent needs and deserves a boost in its title 1 allocation that is over and above the amount it will receive under the formula in S. 1513.

As I have said previously, I believe that on these mathematical and statistical matters there are many roads that lead to Rome. There is more than one way to achieve the desired results.

I supported the formula that is now incorporated in S. 1513 when this bill was considered in the committee. Unlike some of our colleagues, I do not think it is a fundamentally bad formula or fundamentally bad policy to include an effort or equity factor. I have stated that repeatedly.

That does not mean I think it cannot be improved upon. I believe we can do a little better for those States that have been struggling for years under the current formula, particularly many States in the South and the West. And in all likelihood, we will not have another crack at this formula for at least another 5 years.

I listened with great interest to the debate last Thursday evening on the Bumpers amendment. It seemed to me that the major competition was over which formula—Bumpers or S. 1513—did the most to help poor children. I daresay that every Senator here wants to help all States and all school districts meet the educational needs of poor children.

It is true that these formula proposals all come at this problem in a different way, but I do not happen to think that the S. 1513 formula is the only way to do it, nor do I believe that if we adopt the Hatch option, or the Feinstein option, or the Bumpers option, we have somehow failed to support the title 1 mission.

My leadership on this amendment has been questioned by some of my colleagues because Utah's child poverty rate is relatively low compared to some other States, and it is true that Utah gains a bit under the bill's formula relative to current law. So why am I causing all this trouble? I have been told that we in Utah do not need the money.

The heck we do not. Utah has the worst-case scenario when it comes to school finance. We have the highest percentage of school-age children and the lowest percentage of working-age adults.

We have a per-capita income $3,000 lower than the national average. We have a median family income of only $33,246. Nearly 30 percent of our school children are eligible for free or reduced-price lunches. Does this sound like a State that is rolling in dough, Mr. President?

It is true that Utah does not have the poverty rate as high as other States, but we also do not have a high number of upper-income people either. In my view, poverty rates taken alone are—at least in this debate—a misleading measure of a State's ability to finance education. Yes, to answer the question, Utah can use the money.

I would like to brag about my home State for just a moment. I would suggest to my colleagues that Utah can do more with less than any other State. Utah's eighth grade math achievement scores, for example, would rank sixth in the world if Utah was its own country. We rank second in the United States with an 85.1 percent high school graduation rate, our SAT and ACT scores are higher than the national average, and more of our students take and pass advanced placement tests than any other State.

We may have the lowest per-pupil expenditure of any State, but Utah education can compete with the best of them.

Utahns take education seriously. That is why more than 50 percent of our entire State budget is devoted to public education. That is why Utahns spend $73.87 cents of every $1,000 of personal income for public education. This compares to the national average of just $42.87. Compare those— $73.87 versus $42.87, the national average.

For years, Mr. President, Utahns have been shouldering the burden of an unfair chapter 1 formula. And I might add just not Utahns, a number of other States as well—39 States—benefit from this formula. Utahns should not have to pay more so citizens in other States can pay less to support their own educational system.

That is why I am offering this amendment today. Utah is not alone in this; 38 other States—39 of the 50 States—would benefit from one simple adjustment in the S. 1513 formula. I also hasten to point out that, to the extent poverty rates are an indicator, every one of the States that have child poverty rates of 20 percent would benefit from my amendment relative to S. 1513, and all but one would benefit relative to both S. 1513 and current law. So do not say that the poor States are being bereft by my amendment.

I regret that any State has to lose some of its allocation under any formula proposal including the formula currently in S. 1513. One of my aims in developing this formula was to minimize the number of adversely affected States. I also hope that Senators from these States will understand the broader purpose of this formula.

The effect of this change is not only to shift money around among States, it is also to light a fire under some of our States so that they begin thinking more about assisting their low-income areas from within. Our budget constraints mean that the Federal Government cannot always be there to plug the holes. The Federal Government cannot undertake the full responsibility for financing education for low-income children. I am persuaded that within-State equalization is one means of directing education resources where they need to go. This is a concept whose time has come.

There have been many speeches in our committee and on the Senate floor in recent years about equity in education. My amendment is an opportunity for Senators to do something about it without imposing mandates. Incorporating this factor into the title 1 formula, without arbitrary boundaries limiting the effect, will be a powerful incentive for States to do better to meet the needs of all students.

Now, I am very pleased to be joined in this amendment by my colleague, the Senator from Utah [Mr. BENNETT],

and the Senator from California [Mrs. FEINSTEIN].

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. HATCH. I reserve the remainder of my time and ask unanimous consent that a quorum call be entered with time charged to both sides.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Utah.

Title I funding—formerly chapter 1—is one of the most important aspects of the Elementary and Secondary Education Act reauthorization. This chapter alone affects over 90 percent of our Nation's school districts. These are supposed to be the schools that serve the most poor and the most needy students of our country. Yet, as my colleague, Senator KENNEDY, pointed out in his floor statement last week, there are States where this whole process and formula has not worked out fairly, and that has been true, I think, particularly in California and in Texas.

Mr. President, if the chairman of the committee acknowledges that these two States, with over 22 percent of our Nation's poor and needy students—nearly 1.7 million—do not benefit under this formula, then the formula is unfair.

We are talking about one-fifth of our Nation's needy students—one-fifth of our Nation's students, period, in the States of California and Texas. The purpose of chapter 1 is to help our Nation's poorer students. This bill and the formulas being discussed are about America's future and its future generations.

Mr. President, I cosponsored the Bumpers-Cochran amendment because I thought it would have a more fair allocation, and it was consistent with the original principles of the chapter 1 program. I am now supporting the Hatch amendment, and if that fails, I will support the Feinstein amendment, because each one is one step closer to the original principles of chapter 1 funding, not because Texas gets more money than under the committee formula, but because all of the alternatives are fairer and help more of our needy students.

As I stated earlier, a majority of the money in ESEA goes to chapter 1, and chapter 1 affects 90 percent of our Nation's schools. The Texas child poverty rate is 5 percent over the national average. Yet, under the Hatch-Feinstein and the committee formulas, Texas does not see any increase in funding. In each of these formulas, States with less poverty and which are more affluent receive a majority of the money, while Texas and other more needy States either maintain the status quo under the current law, or lose money—a great deal of money. This is not fair to the poor and needy students of Texas or to America.

Mr. President, we need a formula that is more equitable to all of the States which bear the responsibility of educating our Nation's needy students. Unless we get a fair formula, such as the Hatch amendment is, such as the Feinstein amendment will be, I cannot possibly support this bill.

Let me just say that I believe what makes America different from every other country in the world is that we have a public education system that gives every child a chance. It does not matter from where that child came, or if the child's parents even speak English. Every poor child in this country, as well as every rich or middle-income child in this country, has the same chance with a strong public education system. That is why this bill is very important if the funding formula is in fact equitable, because it makes sure that we have the help we need for our poor and needy students, and particularly border States, where we have illegal immigration and we are educating the children of illegal immigrants, it is very important that we give the extra measure of help to make sure that we do keep what makes America different from every other country in the world, and that is a strong system of public education which allows every child, regardless of background, to reach that child's full potential so that every child has the ability to work hard, play by the rules, and be anything he or she wants to be—president of a university, president of a corporation, president of a small business, or President of the United States. That is what our public education system does in this country. We are very fortunate and we must preserve it. The way to do that is to make sure that we have the fair allocation of funding. I am supporting the HATCH amendment because I think it will do what we have asked.

I thank the Chair.

Mr. WOFFORD. Mr. President, I rise to oppose the amendment offered by the Senator from Utah. This amendment robs Peter to pay Paul. It shifts money away from some of the most vulnerable children in our Nation. It is unfair and unwise.

Under the formula proposed by this amendment, many States will gain funds. That's true. But these funds won't come from savings. They won't come from the peace dividend, or cutbacks in bureaucracy or from other programs.

They'll come directly from other poor children, children in our Nation's largest cities, the same cities we claim to want to revitalize. This amendment would decimate the chapter 1 programs in Philadelphia, New York, Detroit, and Chicago. While States with poverty rates as low as 7 percent will gain under the formula proposed by the Senator from Utah, cities with poverty rates as high as 79 percent will lose.

It's easy to sit here and debate dry formulas. But Mr. President, this isn't just about some mathematical formula. We're talking about children's futures. About our future.

Let me give you an example of how this formula would work in practice in my State. A third of Pennsylvania's chapter 1 funds go to Philadelphia—so that is where most of the cuts under this amendment will come from. Philadelphia has a poverty rate of 79 percent. The children of Philadelphia are some of the poorest in the country. Yet we provide chapter 1 services to less than half of our eligible students.

If this formula is enacted, the Philadelphia School Board estimates that 10 percent of the city's schools would lose their chapter 1 programs; 10 percent. Three thousand poor children would no longer receive the additional help many of them need to succeed in school, and in life.

Mr. President, the cuts proposed under the Senator from Utah's amendment would come on top of a 20-percent reduction in chapter 1 funds that Philadelphia experienced as result of the 1990 census. As a result of that census, Pennsylvania lost more than 10 percent of our chapter 1 funds. Philadelphia has one of the highest concentrations of childhood poverty in the Nation—yet it bore the brunt of the cuts in Pennsylvania—losing nearly 20 percent of its chapter 1 funds. Philadelphia's schools cannot withstand another reduction in its chapter 1 funds.

This amendment proposes shifting more money away from Philadelphia and other large cities. I will not support a formula that has this kind of effect on my State's poorest and most vulnerable children.

Mr. President, no formula is perfect. But the formula crafted by the Labor Committee is fairer and more workable than any other proposal I have seen. I urge my colleagues to join me in opposing this amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to modify the pending amendment.

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

Mr. HATCH. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2429), as modified, is as follows:

Beginning on page 554, line 21, strike all through line 15 on page 556 and insert in lieu thereof the following:

(iii)(I) Except as provided in subclause (II) the equalization factor for a local educational agency shall be determined in accordance with the succeeding sentence. The equalization 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, all 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. The equalization factor shall be equal to 1 minus the amount determined in the previous sentence.

(II) The equalization factor for a local educational agency serving 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 have a maximum coefficient of variation of .10.

(iv) SPECIAL RULE.—Notwithstanding the provisions of Section 1122(b)—

(I) For fiscal year 1995, no state's allocation shall be increased by an amount greater than 2 percent or reduced by an amount greater than 2 percent of the amount to which it would otherwise be entitled when the provisions of clause (iii) are multiplied according to the provisions of paragraph (2) of this section.

(II) For fiscal year 1996, no state's allocation shall be increased by an amount greater than 4 percent or reduced by an amount greater than 4 percent of the amount to which it would otherwise be entitled when the provisions of clause (iii) are multiplied according to the provisions of paragraph (2) of this section.

(III) For fiscal year 1997, no state's allocation shall be increased by an amount greater than 6 percent or reduced by an amount greater than 6 percent of the amount to which it would otherwise be entitled when the provisions of clause (iii) are multiplied according to the provisions of paragraph (2) of this section.

Mr. HATCH. In an effort to try and solve this in an amicable fashion, we have worked closely with the distinguished chairman of the committee and others on the committee and the ranking minority member. The modification would take the formula that we have suggested that benefits 39 States and is far more equitable, in our view, than the formula of the committee. It would phase it in over a 3-year period, rather than do it instantly.

In other words:

For fiscal year 1995, no State's allocation shall be increased by an amount greater than 2 percent or reduced by an amount greater than 2 percent of the amount to which it would otherwise be entitled when the provisions of clause (iii) are multiplied according to the provisions of paragraph (2) of this section.

The amendment speaks for itself. It is 2 percent for fiscal year 1995, 4 percent for fiscal year 1997, and 6 percent for 1997. We think it is a reasonable result and compromise. I ask that the amendment be approved this morning.

Mr. KENNEDY. Mr. President, I thank the Senator. As a member of our committee, he knows that these are difficult and trying challenges. We welcome the fact that, over the period of the next 4 years, there is every indication that the administration is going to put an additional billion dollars in every year toward this effort. So many of us are hopeful that all of these figures will be going up in any event. I appreciate the modification.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. JEFFORDS. Mr. President, I am confused. Are we adopting the amendment to the amendment which I do not believe is necessary or are we——

Mr. HATCH. The amendment has been modified.

The PRESIDING OFFICER. The amendment has been modified.

Mr. JEFFORDS. Right. So we are now voting on the amendment?

The PRESIDING OFFICER. On the amendment, as modified.

Mr. JEFFORDS. Mr. President, I would like a moment to speak, if that is agreeable to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I certainly agree that the amendment, as modified, is better than the original amendment, as it does give us a time to adjust to the full impact of that amendment. However, I would like my colleagues to know how I feel about it.

Vermont has nothing to gain or to lose either by the amendment before it was modified or the amendment after it was modified or as against the committee mark.

So I would like at least to let everyone know exactly what we are doing here, because I am concerned we are saying that the States are not being affected as to what we are doing with policy.

I understand fully that any amendment or any formula which gains more for more States in the Senate is going to win probably unless there is some real egregious problem with it. But I do believe that it is important to point out what we are doing here.

The formula will almost likely garner enough votes to win, and we will deal with that.

The formula that was adopted by the committee was a formula based on sound, balanced policy. Unfortunately, I do not feel we can say the same thing for the alternative formula which we are considering at this time.

Consider the following: Under the Hatch formula, 38 States benefit from the so-called equity factor, indicating that 38 States have equalized expenditures across district lines to the extent that they will be rewarded by this factor in the formula. In the same formula, nine States are heavily penalized. In the committee formula, only 22 States receive bonuses under this equity factor, while the remaining States are basically held harmless, neither harmed nor helped by the factor.

Considering the fact that 25 States are currently undergoing litigation concerning their State finance systems, I find it hard to believe that 38 of them should be considered equalized under Federal law. Of the States that would benefit under the Hatch formula, at least 18 of them have cases pending in State courts regarding the inequities of their school finance systems. I think we would be sending those States the wrong message if we passed this alternative formula, even as modified.

Furthermore, in the committee formula, the equity factor is construed so as to be only a bonus for those States who have made progress toward equalizing per-pupil expenditures across district lines, not a penalty to those who have not achieved school finance equity. In my mind, this is the right policy and the way we should go.

I can tell you from Vermont's experience that changing school finance laws is no easy task. Our legislature spent a full year trying to work out a proposal and ended the year without reaching agreement on the issue. This is unchartered territory for Congress, and I believe we should approach it with the utmost caution.

Let me highlight some of the other discrepancies that arise from the Hatch formula. I do not want to pick out certain States, but I would like to make a point as to the policy of this formula. In Arizona, for example, which gains 4 percent with the Hatch formula, 2 percent with the modification or phase-in, over the committee formula, the richest 5 percent of school districts spend twice as much, an average of over $5,000 per pupil, as the poorest 5 percent of school districts that spend less than $2,500 per pupil. Yet Arizona gains from the equity factor in the Hatch formula.

The same argument could be made for any number of States that gain under this formula.

While I know that this formula certainly has enough winners to win the votes in the Senate, I urge my colleagues to consider the policy that they would be setting if the Senate adopts this formula. I will point out that I am not going to ask for a vote, or whatever, but I think it is important to put this in the RECORD before we go to conference because we are

going to have a very substantial difference with the House formula and the current law than the formula that we are considering today, and that is true also of the committee formula.

So I think it is important that we understand what we are doing here and hopefully in conference when we work out the various equities and inequities of the various formulas we can keep this in mind.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont yields the floor.

Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I am prepared to yield back the time.

Mr. HATCH. Mr. President, I am prepared to yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield back the time, and I ask unanimous consent that the rollcall vote be vitiated.

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

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

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment, as modified.

The amendment (No. 2429), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I ask my remarks be considered as in morning business.

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

THE CRIME BILL CONFERENCE REPORT

Mr. HATCH. Mr. President, Republicans have been fighting for passage of a tough anticrime bill for several years. Unfortunately, the crime bill conference report falls far short in meeting the needs of law abiding Americans. It is larded with pork barrel spending. It provides too little money for prisons. It expands the rights of criminals. It permits the early release of as many as 10,000 Federal prisoners. It fails to prevent the administration's planned implementation of a racial quota which will eliminate the Federal death penalty. And it increases the deficit.

Republican conferees fought for a passage of a tough bill, but the crime bill conference report rejects too many urgently needed, tough anticrime proposals. At one point, Republican Senate conferees succeeded in shifting $3.6 billion in social spending boondoggles to State and local law enforcement grants. Yet, less than 24 hours later, our colleagues on the other side of the aisle turned around and reversed this vote, restoring the funding for social programs and cutting State and local law enforcement grants by $3.6 billion.

In my view the crime bill conference report is weighted far too heavily away from hard-nosed law enforcement, and toward prevention programs best funded out of the budgets of other departments rather than from scarce law enforcement funds.

Moreover, many of these so-called prevention programs in this proposal are wasteful social spending boondoggles reminiscent of the costly, ineffective, and discredited Great Society approach to social welfare. Spending any taxpayer money on these programs under any department's budget would be a mistake. By squandering scarce resources on gauzy social welfare programs, we shortchange the law-abiding citizens of Utah and indeed of all of our States.

For instance, the Local Partnership Act is precisely the wrong kind of program for the crime bill. In reality, it has nothing to do with fighting crime. This amorphous program would give local governments $1.8 billion over the next 2 years—that is prior to the 1996 elections—to spend on three ill-defined purposes: education to prevent crime, substance abuse to prevent crime, and jobs programs to prevent crime. That is it. The tagline "to prevent crime" is an attempt to convert this Great Society Program into an anticrime proposal and hijack $1.8 billion in precious crimefighting resources for anything at all that localities will label "education to prevent crime," or for drug treatment, or for more Government jobs programs.

The General Accounting Office recently reported that there are already seven Federal departments sponsoring 266 prevention programs which currently serve delinquent and at-risk youth. Of these 266 programs, 31 are run by the Department of Education, 92 by HHS, and 117 by the Justice Department. The GAO found that there already exists "a massive Federal effort on behalf of troubled youth" which spends over $3 billion a year. The GAO went on to report that:

> Taken together, the scope and number of multiagency programs show that the Government is responsive to the needs of these young people. * * * [It] is apparent from the Federal activities and response that the needs of delinquent youth are being taken quite seriously. [GAO Report, Federal Agency Juvenile Delinquency Development Statements, August 1992].

Despite the findings of the GAO, the proposed conference report throws more money at State and local government under a prevention label, in very general terms, while failing to acknowledge our ongoing efforts. Listening to the supporters of these provisions, one would assume the Federal Government has done nothing in the area of crime prevention.

Another example of where this crime bill wastes precious resources is the Youth Employment and Skills Crime Prevention Program. This proposed program would provide the Secretary of Labor with an additional $900 million in grant authority for job training, apprenticeships and job experience targeted at youth in high-crime, high-unemployment areas. According to the GAO, in the current fiscal year, there are 154 separate, overlapping Federal employment and training programs, which are run by 14 separate executive departments and independent agencies. Within these departments and agencies, 50 different offices are responsible for these programs. The total cost? In fiscal year 1994, nearly $25 billion was budgeted for these programs. Notwithstanding our current Federal effort, the conference report throws another $895 million at an already extensive jobs training system.

The Model Intensive Grant Program is one more example of a crime bill conference report spending measure which has little to do with fighting crime and much more to do with providing Federal tax dollars to favored social spending programs. This program gives the administration nearly total discretion to spend $895 million in grants to 15 chronic high-crime areas. The administration will select these 15 cities and begin distributing this money all prior to the 1996 elections. Do you think there might be a reason for this? Of course there is. The conference report allows this program's money to be spent on youth programs, deterioration or lack of public facilities, inadequate public services such as public transportation, drug treatment, and employment services.

Yet another program is called the Community-Based Justice Grants Program. My colleagues on the other side of the aisle would have the public believe that the up to $150 million that this program spends is aid to prosecutors. In reality, this program would spend precious crime fighting resources on exhuming the failed criminal justice policies of the 1960's and 1970's. These grants would require social workers' involvement in the prosecution of criminal cases. Participating prosecutors would be required to "focus on the

offender, not simply the specific offense, and impose individualized sanctions [such as] conflict resolution, treatment, counselling and recreation programs." These sanctions would be imposed not just on nonviolent offenders, but also on individuals up to 22 years of age "who have committed crimes of violence, weapons offenses, drug distribution, hate crimes and civil rights violations * * *."

Instead of punishing these young thugs, the Community-Based Justice Grants Program will only encourage their disrespect and disregard for civilized society by teaching them that committing violent crimes has no real consequences. I cannot think of a more inappropriate lesson to be sending our young people. Violent criminals, whatever their age, need to be treated as such. Instead of coddling violent youths, this money should be used for assistance to State and local criminal justice systems to help implement the true, tough crime control measures the American people are demanding.

Even the Democrat's prison grants proposal is wasteful. The conference report spends nearly $4 billion of its $6.5 billion in so-called prison grants on liberal spending programs. The so-called violent offender incarceration grants require State recipients to implement "a comprehensive correctional plan." The plan must include "drug diversion programs" and "appropriate professional training for corrections officers in dealing with violent offenders, prisoner rehabilitation and treatment programs, prisoner work activities, and job skills programs." What do any of these things have to do with locking up violent offenders? In truth, the bill requires that the grant recipients not only spend their prison grant dollars on open-ended, liberal spending programs, it also requires the States to implement this liberal corrections scheme in order to receive any prison grant funding.

Over 2 long days, Senate Republican conferees offered numerous amendments to the proposed conference report in an effort to toughen the bill and eliminate this wasteful spending. I personally offered 19 amendments, most of which were taken from provisions contained in the Senate-passed crime bill. Of these, nine were accepted in whole or in part by the Senate conferees. All but two were rejected by the House conferees, and both of these were watered down. So, of 19 amendments only 2 were accepted, and they were watered down.

Let me list for my colleagues some of the tough, smart crime control amendments offered during conference by Republican Senate conferees which were rejected or severely weakened by the other side of the aisle.

Many of these were passed overwhelmingly by the Senate when we first considered this bill. Indeed, six of the provisions I will list were the subject of motions to instruct Senate conferees which required the Senate to insist on their inclusion in the conference report. Among the provisions not included in the conference report were the following:

An effective, fully funded prison provision to provide $13 billion in grants to the States for prison construction, including tough incentives for truth in sentencing—rejected.

A fair formula for distributing prison grants, to ensure each State gets its fair share—rejected.

Tough Federal penalties for violent juvenile gang offenses, the Dole-Hatch-Brown language—rejected.

The Moseley-Braun provision to prosecute violent juveniles 13 and older as adults in appropriate cases—rejected.

Tough Federal mandatory minimum sentences for using a firearm in the commission of a crime, the D'Amato provision—rejected.

Mandatory minimum sentences for selling drugs to minors or employing minors in a drug crime, the Gramm provision—rejected.

Fully restricting so-called drug-court treatment programs to non-violent, first-time offenders—rejected.

They are going to use the money for some violent offenders. It is just money down the drain.

HIV testing of accused rapists, the Hatch provision—rejected.

Amending the rules of evidence to allow evidence of prior offenses of rape and child abuse in prosecutions for those offenses in appropriate cases, the Dole provision—rejected.

Requiring mandatory restitution to victims of violent crime, the Nickles provision—rejected.

Subjecting those convicted of attempting to kill the President to the death penalty when he or she comes close to succeeding—rejected.

Ensuring the swift removal of alien terrorists without disclosing national security secrets in the deportation process, the Smith-Simpson provision—rejected.

Ensuring that criminal aliens are swiftly deported after they have served their sentences, the Simpson provision—rejected.

Stemming the tide of frivolous prisoner law suits through reform of the laws governing exhaustion of administrative remedies to prisoner grievances—weakened.

The Equal Justice Act, which would prohibit racial discrimination and the inappropriate use of statistics in death penalty cases, and the resultant death penalty quotas—rejected.

An honest, fully funded trust fund that pays for the crime bill without increasing the deficit—rejected.

Mr. President, in the coming days, Senators will need to reconcile whether they are willing to support a bill which diverts billions of dollars of crime fighting resources to special interest spending programs, which is insufficiently tough on criminals, and which drops so many urgently needed crime fighting measures. Each of my colleagues should take a good hard look at this conference report. I encourage them to do so. This is a very, very important issue.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to make a brief statement on the scheduling. I had open house town meetings planned for today in Philadelphia at 8:30 and in Pittsburgh at noon and Harrisburg at 3 o'clock on the subject of health care. It was set up some time ago when the expectation was that the bills would be present for public evaluation, with the expectation that we would be starting on health care by about this day.

When this 10 a.m. vote was scheduled, I made arrangements for a satellite feed to Philadelphia telling my constituents, several hundred which were gathered in an auditorium in Philadelphia, that I could not be there because there was a vote on the formula which involved some $12 million, potentially, in losses to the State of Pennsylvania. I finished the satellite feed a few minutes ago and came upstairs and found out that the vote had been vitiated, which means that it had been canceled.

So I take the floor to make this statement so that my constituents in Philadelphia, who gathered there for a satellite feed, will know, in fact, the vote had been scheduled and I cannot be in Pittsburgh at noon. This is the first time we have had a vote on Monday morning, according to the records which I have checked, going back for about 1 year and 4 months, when we had the so-called enhancement package in April 1993, and in the research I found the Senate has not had a Monday morning vote since 1990.

I understand that the managers cannot know for certain what is going to go on by way of a 10 a.m. vote, but I hope that when votes are scheduled for 10 a.m. on a Monday morning, where there is good reason to expect that there will not be votes—many Senators have made commitments and many of our constituents have relied on their commitments—that there would be every effort made not to schedule votes where they can be delayed or stacked or put on at some later time in the afternoon.

I understand from one of the managers a call was placed to me while I was on the satellite that there was an attempt to vitiate the vote. I, again,

wonder if that vitiation might not have occurred until a Senator could be present to object, as I understand it.

I make a parliamentary inquiry if it is necessary to have unanimous consent when a vote is vitiated.

The PRESIDING OFFICER. The Senator is correct; it takes unanimous consent to vitiate a previously ordered rollcall vote.

Mr. SPECTER. I do not want to make a Federal case out of this, any more than to advise my constituents as to why I was not in Philadelphia at 8:30 and why I am not going to be in Pittsburgh at 12 noon. But I also make the point to the managers of the bill that it would be good if you know a vote is going to be vitiated, if some effort could be made to find out in advance.

I am told by the managers that it was not knowable until the last minute. I am not going to challenge that any further, but I ask, when managers have these bills, that some effort be made to determine in advance. If there are so many States' votes that are going to be lost, I can understand that, but I am a little at a loss to know why it cannot be determined in advance. I am a little at a loss to know why the vitiation order could not await the conclusion of a satellite feed which was ended at 10 a.m. But, most of all, I want my constituents to know that I did not fail to appear in cities in Pennsylvania through any lack of trying on my part, but I am here to vote on the bill.

I understand again with the managers, we hear argument on the crime bill instead of having amendments presented. But if Senators are going to come here expecting to vote on this education bill, it would be nice if we moved ahead on the bill.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I would like to briefly respond to the Senator from Pennsylvania. I understand his feelings, and I know we all felt that way, all of us who came back in expectation of a vote at 10 o'clock. We are aggravated when we change our plans and come back and the vote is vitiated.

I want to assure the Senator from Pennsylvania that as the manager on this side of the aisle, that decision was not made lightly. But in view of the fact that we had a very important amendment of which there was an accommodation of the interests of the States involved—such as Pennsylvania and others—that appeared to be advantageous in that sense and the decision was made that it would be wise to vitiate the vote.

That may be unfortunate. I hope that, upon reflection, those who did come here will find the judgment involving Members on both sides of the aisle to vitiate the vote will have been a reasonable one.

I also point out that we are sitting here waiting for additional Members who have amendments pending to come over. I can assure the Senator from Pennsylvania at least we have full expectations of having a vote before 12 noon so that the inconvenience caused of missing his engagement at 12 noon probably will be justified by a vote, hopefully, at that time. That all depends upon those who have pending amendments, whether they are going to come here or not. There also may be an amendment to be offered by the Senator from California, which will be an important one, and we may well have a vote on that.

I yield the floor.

Mr. SPECTER. Mr. President, I had not intended to ask the Senator from Vermont, or any of the managers, any questions. But in light of his taking the floor and making a statement, I do have a question and a preliminary statement. We may or may not vote by noon, but if we did not have a 10 o'clock vote, I would not have disappointed several hundred people assembled in an auditorium in Philadelphia. I could have been here later.

But when the Senator from Vermont says it was a decision which had to be made and, on reflection, the Senator from Vermont hopes that other Senators will see that it is a wise decision, may I inquire of my colleague from Vermont why the order to vitiate the 10 o'clock vote might not have been deferred for a few minutes until this Senator could have examined to see if this Senator thought it was in the interest of Pennsylvania and the Nation to vitiate it?

Why could not there have been a slight postponement of that vitiation or vitiated for 15 minutes so that I could exercise my judgment on the action?

Mr. JEFFORDS. If the Senator will yield, I apologize and take full responsibility for not having done that. I deeply apologize to the Senator from Pennsylvania, and I can assure the Senator that in the future I will keep the Senator in mind.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont. No one in this Chamber is more diligent than the distinguished Senator from Vermont [Mr. JEFFORDS] and I appreciate his comment. I understand that there are exigencies which arise which you cannot prevent.

I do not intend to pursue the matter any further but just to note what is doubtless already known, that to the extent possible we ought to avoid such matters. And if a Senator is on the premises—and I was in the basement in the television studio on satellite—it would not take long for me to be notified and come up and exercise my discretion in looking out for the interests of my State on the vitiation of the order.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I rise to speak on chapter 1, a very important part of the Elementary and Secondary Education Act.

Mr. President, I understand that both sides have accepted an amendment as modified and presented by Senator HATCH which to a great extent does reduce some of the problems experienced by high-growth States. But I still feel I would like to make my statement on chapter 1.

Let me begin with this chart, which shows you essentially what has happened with Federal moneys targeted to poor States and the growth of poverty in this Nation since 1980.

What this chart shows, Mr. President, is the fact that these States have had over a 25-percent increase in poor children since 1980. These States—Florida and others—these States here have had up to a 24-percent increase in poverty since 1980. And those States that are in white have essentially had a decrease in poverty since 1980.

That is the problem with chapter 1. Between cost factors, effort factors, hold harmless factors, the States that do not experience the growth of poor children are held harmless, where the States that do experience the growth of poor children do not receive enough money to compensate them for that growth.

In my State, California, where public education has a strong history, these moneys are desperately needed. When I visit classrooms in my State, let me tell you what I see. Some schools have as many as 4,000 youngsters in elementary school. They are run in shifts to accommodate new arrivals. Overworked teachers work with children who speak anywhere up to 80 different languages. Books, paper, chalk, blackboards, these are the basic tools essential to a classroom, and yet they are often missing.

Low-income children in California and throughout the Nation often go to school without books or paper. They sit in classrooms without chalk or blackboards. They learn without the benefit of computers or video players. They are taught in groups of 45 by a single teacher who may not even have the chance to know all of their names.

California schools educate more than 5 million students in kindergarten through 12th grade. California has 969,762 poor children. By far, California is in a tier by itself in terms of poor children. The next highest number is Texas, with somewhere over 2 million children. So California has about 11.5 percent of the Nation's total. Our poverty rate is 18 percent. Now, that is relatively moderate by national standards, but with a State as large as ours—and this is the rub—this represents a very high number. That is the 970,000 children.

In looking at us, it is important to note that our population of poor children—this at over 25 percent—actually increased 38 percent between 1980 and 1990. An addition of almost 250,000 poor children came to California without any adjustment of chapter 1 allocation. In fact, 60 percent of the Nation's increase in children during that time occurred in a single State, California.

In 1993–94, high-poverty schools in Los Angeles, Norwalk-La Mirada, and Compton received no chapter 1 funds whatsoever, and many high-poverty schools throughout the State received far too little.

So while California is committing over 40 percent of its general fund expenditures—that is over $28 billion in 1993–94—to pay its teachers and educate over 5 million children, a chapter 1 student in California receives only $641 in services—much less than schools in other States which receive over $1,000 per student.

Before the use of the 1990 census, California's per pupil expenditure dipped as low as $412 while other States received as much as $1,124. This cannot continue.

I ask unanimous consent that letters of Governor Wilson on this subject which state the problem as well be printed in the RECORD.

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

GOV. PETE WILSON,
SACRAMENTO, CA,
July 26, 1994.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: I have learned that Senator Dianne Feinstein plans to offer several amendments to S. 1513, the "Improving America's Schools Act." I urge you to support Senator Feinstein in her efforts to render a Title I formula which is fair to California and other states struggling to educate a rapidly expanding and diverse student population.

In a colloquy with Senator Feinstein on March 26, 1993, you publicly acknowledged that the Title I formula should address three issues: the frequent updating of census poverty data; the inclusion of a Limited English Proficient (LEP) factor to assist states in educating their multi-cultural student populations; and the retention of the AFDC factor. I have enclosed a copy of a letter I sent you on June 14, 1994, which explains in detail why these three factors are critical to California.

The Title I formula proposed by the Senate Labor and Human Resources Committee is unfair to California. Not only does it fail to address the three factors at issue in your colloquy, but it imposes an "effort" factor which penalizes our state for a lower per pupil spending level than the national average. The effort factor as it is written ignores other measurements of effort such as California's high level of teachers' salaries (7th in the Nation), or that California has maintained a constant per-pupil expenditure despite dramatic increases in the number and diversity of its student population. California is spending more on education, but that increase is not reflected when a per-pupil expenditure proxy is used.

According to the 1990 Census, California is home to 894,202 children in poverty. These children need and deserve their fair share of the educational benefit that the Title I program was designed to provide. For that reason, I urge you to honor the commitment you made to Senator Feinstein last year and to support any amendments the Senator will offer to ensure that Title I funds reach the children that need them.

Sincerely,

PETE WILSON.

GOV. PETE WILSON,
SACRAMENTO, CA,
June 14, 1994.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Committee prepares to mark up S. 1513, the Improving America's Schools Act, I wanted to bring to your attention several of California's concerns and interests in this legislation. Specifically, I am referring to the provisions that affect Title I, the Emergency Immigrant Education Assistance Act (EIEA), and the Drug Abuse Resistance Education Act. In addition, I urge the Committee to include language in the bill that would provide mandatory reimbursement to the States for the costs of educating illegal immigrant children in our schools.

TITLE I FORMULA

The proposal to reauthorize Title I which emerged from the Education Subcommittee mark holds several troubling concerns for California, the most disturbing of which is the bottom line loss of Title I funds for a state that has shouldered an enormous and continuing increase in the number of eligible children.

As you know, California's current count of children in poverty of the 1990 census 894,202—a 38 percent increase in the number of poor children during the previous decade. Further, the State realizes a daily population increase of 700 people. Despite this significant growth in Title I eligible students, the proposed Kennedy-Pell formula would penalize these children by cutting California's Fiscal Year 1995 (FY95) share of Title I funding by $18.4 million, below the level provided under the current Title I formula.

That is why I urge the Committee to adopt several amendments to the mark. First and foremost, Title I reform should include language specifying a biennial update of decennial census poverty data. California and other high growth states were penalized in the 1980s from receiving their fair share of Title I funds because the early 1981 data did not reflect the enormous population/poverty growth over the course of the decade. Biennial updates would enable Title I funds to flow where needed as population patterns change, and minimize the dramatic impact caused by decennial changes in the data.

Second, I am concerned that the proposed formula omits any reference to poor students who are further educationally disadvantaged by their limited English proficiency (LEP). I urge the Committee to add a LEP factor as part of the Title I formula to help the States with high ethnic diversity better meet the educational needs of their LEP student population.

Third, the AFDC factor in the current Title I formula is vitally important to California. Because our State's welfare system provides payments which exceed the national norm, those who receive California welfare payments move above the national poverty threshold and would be excluded from California's poverty count were it not for the AFDC factor in the present formula. I urge the Committee to retain the AFDC factor in the new formula.

Lastly, I encourage the Committee to consider a cost factor which better reflects the differences among the States in the cost of education. The current state per pupil expenditure (SPPE) less accurately reflects the differential costs of education than does an index of average instructional salaries. I urge the Committee to consider the use of instructional costs as a replacement for the SPPE factor in the formula.

Mr. Chairman, you will recall that on March 26, 1993, in a colloquy with Senator Feinstein, you expressed your full support for retaining the AFDC factor in the Title I formula. You further stated your support for adding a factor to address the significant increase in LEP students. You correctly noted that the Title I formula needed to reflect the enormous increases in both the eligible populations and the cost of educating these young people in California. I agree, and urge your assistance to make the reforms in the Title I formula as outlined above.

IMMIGRANT EDUCATION

I urge the Committee to authorize full funding for the Emergency Immigrant Education Act (EIEA), to provide for the current entitlement payment of $500 per eligible immigrant child.

As you know, many states have experienced significant increases in the number of immigrant students and a corresponding increase in financial responsibility for their education. Federal assistance is a vital asset to those impacted States struggling to meet the educational needs of their highly diverse populations.

Despite the EIEA's per pupil entitlement payment of $500, the Congress never has allowed for full funding of this program. Nor has the Congress recognized the striking growth in our country's immigrant population since the law's enactment in 1984. The result has been an inadequate level funding of EIEA for the past decade.

In the case of California, the funding rate per pupil in 1984–85 was $90.88, $410 less than the amount authorized by law. The funding rate has since dropped by more than half to $35.10 in 1993–94, reflecting fewer federal dollars serving an eligible immigrant student population which has tripled since 1984.

There is broad bipartisan support across the country for EIEA, and certainly for an appropriate authorization level which reflects the dramatic increase in the number of immigrant students in our country. Actually, a reimbursement of $500 per eligible immigrant child is a modest level of assistance given the kind of services required to provide quality education to these new residents and represents only a fraction of the actual costs of educating a child in our State.

Clearly, an open authorization level for EIEA is in the best interest of those whom the law was intended to serve—the newest and youngest arrivals into our country.

Finally, with respect to immigrant education, I urge the Committee to include language that would require the federal government to reimburse the states for the costs of educating undocumented children.

In January 1995, an estimated 392,000 undocumented immigrants will be attending California public schools. The annual cost of providing educational services to these young people will be $1.7 billion—a price tag simply too excessive to ignore. At a time when California needs to build one classroom each day just to accommodate enrollment

growth in its public schools, the State cannot afford to pay the costs of educating a population that is illegally residing in the United States.

As you well know, current federal programs for immigrant and LEP populations were not intended to fund the education of illegal immigrants. Clearly, the funding levels provided in these programs are minimal amounts for our legal residents, and should not be assumed to be sufficient to supplement the costs of educating undocumented immigrants.

Education represents a compelling incentive to enter the United States. Therefore, until the federal government reviews how best to address this education magnet, I urge the Committee to provide for mandatory federal reimbursement for the costs of educating undocumented immigrants.

DRUG-FREE SCHOOLS AND COMMUNITY ACT

Finally, I urge the Committee to reinstate to 30 percent the governors' portion of funding under the Safe and Drug Free Schools and Communities Act (DFSCA), in addition to maintaining support for the Drug abuse Resistance education (DARE) set aside.

In California, DFSCA funding is administered by the Department of Alcohol and Drug Programs which has developed highly creative programs targeted at high-risk youth who are not being adequately served by the school-based alcohol and drug programs. Under these programs, thousands of youth receive services.

California also funds a myriad of gang, drug, and violence suppression programs with DFSCA funds. These programs are especially important at a time when youth violence has escalated.

Finally, as a supporter of my amendment in 1990 to create the DARE set-aside, I urge your continued support for its retainment in the final mark. While DARE is successfully providing drug resistance and education services in virtually every State in the nation, many communities still require assistance in bringing DARE to their classrooms.

As you well know, DARE uses law enforcement to deliver its curriculum, forging important community alliances to prevent crime. It should continue as a top priority under DFSCA.

Every five years, Congress undertakes the difficult task of reauthorizing the ESEA. The challenge of reauthorization is to ensure that scarce federal funds go where needed and to support programs and services that work. Title I, EIEA, and DARE are examples of programs that have made a positive difference for California's children, and I urge the Committee's continued support for them as it marks up S. 1513.

Thank you for your attention to these issues of importance to California.

Sincerely,

PETE WILSON.

Mrs. FEINSTEIN. As part of the reauthorization of the chapter I program, sweeping changes have been proposed, many of them suggested by national assessments and expert analysis: more school-wide programs, where all children are taught together as part of a specialized program, enhanced teacher training opportunities, and better targeting of resources among the States.

Sadly, however, the funding program that has been proposed in the Senate by the committee for distribution of Federal dollars to States does not reflect these sweeping changes or the recommendations that have been brought forth for other parts of the chapter 1 program. In fact, the committee formula preserves the status quo. California and other large, high-growth States are in desperate need of funds but they will receive less than they deserve. And that is true even under the Hatch modified formula. California and Texas remain specially disadvantaged.

Let me ask you to look at this from a per-child perspective. California under the committee's formula with 969,762 poor children receives $783 per child. Texas, with 803,300 poor children receives just $729 per child. Under the current compromise formula, California would receive $756 million. Now, that is a difference. However, it is still $7 million less than the current formula.

The amendment I was going to propose would have done two things: It would have removed the so-called effort factor, and it would have reinstated the AFDC factor into the count for poor children for each State.

This would not have been a dramatic or extreme revision of the formula. However, deleting the so-called "effort factor," which is a new element concocted by the committee, and reinstating the eligibility of AFDC would be an important part.

The amendment would reinstate roughly 44,000 children whose family incomes are above the poverty line but who still receive AFDC into each State's count of poor children. In States with especially high costs of living, California, New York, and Washington, AFDC eligibility is a valid indication of poverty, and this amendment would have proposed that they remain part of the funding formula.

One of the problems with the way chapter 1 is handled through the effort factor is the gap between the high-cost States and the average increases, and the gap between the low-cost States and the average increases. So the gap is constantly widening. Idaho, the lowest State, receives about $560 less than a poor child in Alaska, the highest State, that receives $1,199.51. That gap is made larger by a committee formula. That means that schools have dramatically different amounts of resources available to address the needs of poor children. With the effort factor, seven States received less than $700 per child while nine receive more than $900. So those States gain. Some of them, for example North Carolina, Georgia, and Oklahoma would receive far less than current formula, whereas others, Wyoming, Rhode Island, and New York would receive far more. I ask unanimous consent to enter into the RECORD those specifics.

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

THE GAP

Selected States	Current law	Committee formula
North Carolina	$699	$686
Georgia	704	691
Oklahoma	706	699
National average	814	814
Wyoming	1,031	1,139
Rhode Island	1,046	1,064
New York	1,050	1,082

Source: CRS Data, based on a $6.862 billion appropriation.

Mrs. FEINSTEIN. Mr. President, at the same time, Connecticut, with just 53,190 poor children, will receive $1,025 per child. Massachusetts, with 120,570 poor children, will receive $1,024 per child. Rhode Island, with 20,539 poor children, will receive $1,064 per child.

Therefore, my purpose here today is to make clear the inadequacies of the proposed formula for many States, including California, and to propose an amendment that—in addition to providing increased allocations for 35 States over the committee level or current law—will improve the equity and efficiency of the chapter 1 program.

DESCRIPTION OF THE AMENDMENT

This amendment is very simple, and would do two things: remove the so-called effort factor, and reinstate AFDC children into the count of poor children in each State.

This amendment is not a dramatic or extreme revision of the formula that has been proposed. In fact, there are no other changes to the committee formula than the two I am about to describe: deleting the so-called effort factor, which is a new element concocted by the committee, and reinstating the eligibility of AFDC children, who are currently part of the chapter 1 program.

FIRST CHANGE: REMOVING THE EFFORT FACTOR

First of all, this amendment deletes a new provision in the committee formula that is known as the effort factor. While others have advocated adjusting or redefining this element, I am simply taking it out.

As proposed by the committee, the chapter 1 formula determines State allocations by the following process. First, the formula takes the State's count of poor children and multiplies it first by a cost factor, which is a measure of State and education spending per pupil; then by an effort factor, which is a second measure of State per-pupil expenditure in relation to State per capita income; and finally by an equity factor, which is a measure that attempts to show how equalized local school spending is throughout the State.

By now, this process may seem familiar:

The number of poor children multiplied by the cost factor multiplied by the effort factor multiplied by the equity factor equals the State allocation.

The effect of this process is to reward States that meet the narrow formula definition of high spending and punish

States—and the children who live in them—who do not meet this definition.

SECOND CHANCE: REINSTATING AFDC CHILDREN

This amendment also reinstates the roughly 44,000 children whose family incomes are above the poverty line but still receive aid to families with dependent children into each State's count of poor children. In States with especially high costs of living—notably California, New York, and Washington—AFDC eligibility is a valid indication of poverty, and this amendment simply proposes that they should remain part of the funding formula.

Although the committee formula does not include them in its proposal, these children are included in the current formula, and their inclusion has been publicly supported by the chairman of the Labor and Human Resources Committee in the past; for example, in your colloquy with him last year.

RATIONALE BEHIND THIS AMENDMENT

Distributing chapter 1 funds to States on the basis of State per-pupil expenditure levels effectively punishes disadvantaged children who live in 27 States that—due to population growth, large influxes of poor children, and higher costs of providing education—have not been able to maintain a high per-pupil expenditure level.

When the effort factor—which is a new element in the chapter 1 formula that has not been thoroughly analyzed or investigated—is included, the effects of a single measure of State contributions to education are overly magnified.

However, that is not the only reason I am proposing this approach. Let me explain the rationale behind this amendment.

Chapter 1 should take into account the fact that poor children move, and that dollars should be shifted according to need.

Unfortunately, that is not the case today. Instead, the formula keeps Federal education funds in States with decreasing percentages of poor children. As a result, the shift of funds to schools in high-growth States is delayed. That, to me, is the fatal flaw in both the current formula and the Pell-Kennedy proposal.

(1) THE EFFORT FACTOR IS REDUNDANT

First of all, the effort factors is redundant. By using State per pupil expenditure to adjust State allocations, the effort factor repeats the function of other elements in the chapter 1 formula. As you know, the cost factor is set at 40 percent of a State's average per pupil expenditure. That is, a State receives 40 percent of its average per pupil expenditure for each chapter 1 student, within certain constraints.

While there may be reason to use State per pupil expenditure once, there is no reasonable justification for using it twice. The only real difference between the effort cost factor is that the new effort factor includes State per capita income as part of its calculation, in an attempt to capture States' ability to contribute to education spending.

However, the use of this measure is questionable, and has been criticized by the GAO report and several experts. More importantly, both factors use State per pupil expenditures as a central element in raising or lowering State allocations, and in terms of effects, the two factors by and large affect each State the same way. California's allocation, for example, is lowered first by its cost factor—.89—and then again by its effort factor—.95.

(2) THE EFFORT FACTOR INCREASES DIFFERENCE BETWEEN STATES

Second, the effort factor actually increases the differences in how poor children are treated in different States. As I have said before, a poor child is a poor child, and with the effort factor the chapter 1 formula treats poor children very differently—widening the gap in how much States receive per poor child.

Poor children should be treated the same under Federal law, and committee members have often spoken of the need to encourage equity in local school finances.

However, under the committee formula the gap is widened, with Idaho, the lowest State, receiving $560 less per poor child than Alaska, the highest, receiving $1,199.51.

The gap that is made larger by the committee formula means that schools have dramatically different amounts of resources available to address the need of poor children. With the effort factor, 7 States receive less than $700 per child—while 19 receive more than $900.

INCREASING DIFFERENCES IN PER-CHILD CHAPTER 1 ALLOCATIONS

(3) THE EFFORT FACTOR USES A POOR MEASURE OF STATE EFFORT

Third, per-capita State spending on education is a poor excuse of State effort and should not be used to adjust State allocations. If a State has a decreasing population of children, and childhood poverty is declining, then of course that State may have more to spend on each child. But high-growth States with increasing poverty numbers should receive more chapter 1 funds, not less.

(4) THE EFFORT FACTOR IS UNNECESSARY TO THE FORMULA

Finally, the effort factor is an unnecessary add-on. Contrary to what you may have heard, the effort factor will not encourage States to spend more on education, nor will the absence of this factor encourage States to spend less. Because the other cost factors remain, States are more than adequately rewarded for maintaining high spending levels.

THE BENEFICIAL EFFECTS OF THIS AMENDMENT

Under amendment, the allocations of 35 States surpass the committee formula or current law: 27 States are raised above their committee level, and 8 additional States will still receive more than they would under current law.

THERE ARE 27 STATES THAT BENEFIT OVER THE COMMITTEE FORMULA

While this amendment does not address all of the flaws in the committee formula—there are many other criticisms that have been levelled at it—it does do some good for a majority of States.

First of all, this amendment increases the allocation of 27 States above the committee formula. For the record, let me list these States and their increases:

Alabama—$4 million.
Arizona—$3.4 million.
Arkansas—$2.6 million.
California—$43.9 million.
Colorado—$2.3 million.
Georgia—$4.5 million.
Hawaii—$2.4 million.
Idaho—$100,000.
Illinois—$7.4 million.
Iowa—$100,000.
Kansas—$2.3 million.
Kentucky—$300,000.
Louisiana—$400,000
Mississippi—$4.5 million.
Missouri—$3.8 million.
Nebraska—$500,000.
Nevada—$600,000.
New Hampshire—$500,000.
New Mexico—$2.1 million.
North Carolina—$4.3 million.
Oklahoma—$2.8 million.
South Carolina—$200,000.
South Dakota—$600,000.
Tennessee—$4.1 million.
Texas—$19.9 million.
Utah—$1.2 million.
Washington—$5.2 million.

This does not include Puerto Rico, which also benefits.

THERE ARE EIGHT STATES THAT DO BETTER THAN THEY WOULD UNDER CURRENT LAW

Second, this amendment does not lower the remaining States' allocations below current law. In fact, it provides for eight additional States that do better with the effort factor removed than they would under current law.

Delaware would receive a $2 million increase over current law.

Florida would receive a $6.8 million increase over current law.

New Jersey would receive a $1.4 million increase over current law.

North Dakota would receive the identical amount.

Vermont would receive a $1 million increase.

West Virginia would receive a $600,000 increase.

Wisconsin would receive a $200,000 increase over current law.

Wyoming would receive a $500,000 increase over current law.

PRECHILD ALLOCATIONS ARE MADE MORE EQUAL

Perhaps most importantly, this amendment also treats poor children more equitably than the unmodified

committee formula, by lessening the gap between low and high spending States. In fact, poor States receive more per child under this amendment, while wealthy States receive slightly less.

Overall, the gap from the highest to lowest per-pupil allocation is only $543, down from $560. While that still leaves a large gap, at least it is not larger than under current law. This amendment also brings up the lowest States. Instead of seven States, only two States receive less than $700 under this amendment.

DECREASING DIFFERENCES IN PER-CHILD CHAPTER 1 ALLOCATIONS

Selected States	Committee formula	Feinstein amendment
North Carolina	$686	$714
Georgia	691	709
Oklahoma	699	728
National average	814	814
Wyoming	1,139	1,073
Rhode Island	1,064	1,002
New York	1,082	1,018

Source: CRS Data, based on a $6.862 billion appropriation.

COMMITTEE STATES ARE HELPED

Last but not least, several Committee States also benefit from this amendment:

Kansas gains $1.3 million, over the committee formula.

New Mexico gains $1.1 million.

Illinois gains $7.4 million.

Iowa gains $100,000.

New Hampshire gains $500,000.

CONCLUSION

The basic effectiveness of the chapter 1 program is at stake, and no amount of improvements to the educational programs funded by chapter 1 will prove effective without giving high-poverty schools the resources to accomplish them.

That is why I am urging my colleagues to join me in supporting this amendment, which will make the chapter 1 formula more equitable and effective.

Mr. President, I recognize that the modified formula as presented by and accepted by the committee is most likely to be accepted. I myself, representing California, with some remaining unhappiness, will vote for it.

Unless there is substantial evidence from States to the contrary, I would not at this time introduce my amendment which would remove the effort factor, and retain the AFDC factor. However, I am hopeful that in conference a great deal more discussion will be given to the impact and the way in which chapter I funds are dispensed throughout our Nation. A poor child is a poor child. States spend what they can.

In my State, 40 percent of a $55 billion budget goes for elementary and secondary education—40 percent. So the cost factor is there.

In a State as disparate and large as California, pockets of poverty can be as large as one-half of other States, and yet they do not count for much in the way the formula is presently figured. I think that the Senate's methodology of assessing chapter I or distributing chapter I dollars for poor children is really out of date.

It is my very strong belief, too, that the poverty data involved in chapter I ought to be updated at least every 2 years as part of this. So that money follows children.

I recognize that this is difficult to do in this body because the interests that control the formula militate toward maintaining the status quo as much as possible. And that is the dilemma. The modified Hatch formula is somewhat of a breakthrough.

The only way, frankly, I believe to solve the problem eventually is to say we have x dollars for x child, and those dollars will go to States based on need and numbers, and not some convoluted formula which is filled with redundancy, and really just continues this enormous gap that exists with one State's children getting $1,100, and another State's children getting $600.

So the upshot of my comments is that, whereas the Hatch formula is a step forward in the right direction, I am still hopeful that the California delegation and others in the conference committee in the House will be able to effect additional modifications which can benefit the high growth States because they are still shorted by this formula.

I thank you, Mr. President. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

ORDER OF PROCEDURE

Mr. SIMON. Mr. President, I ask unanimous consent that I may speak for up to 5 minutes as if in morning business.

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

THE SITUATION IN RWANDA

Mr. SIMON. Mr. President, I rise to comment just briefly on the situation in Rwanda and the surrounding territory.

I am pleased with the decision the President has made to deploy 200 troops to secure the airport at Kigali. That is now secure, and humanitarian supplies can get into the capital city of Rwanda in Kigali.

I have a staff member there, Caroline Reynolds. And I am pleased that the Secretary of Defense has been visiting there.

General Dallaire is the Canadian general in charge of the U.N. contingent there. While I have never met the man, I have been on the phone to him several times. And I have been very favorably impressed by General Dallaire, and everyone tells me he is an extremely confident person.

He says that he needs 4,100 troops within the next 2 weeks to stabilize the situation in Rwanda. Right now, at least temporarily, the situation within the country is stabilized. You have huge numbers of refugees outside of the country, many of whom are now starting to come back in. The Ethiopians, the Tunisians, and Zimbabweans have all indicated a willingness to send troops, and I would hope we could assist in that.

General Dallaire would also like to see the United States send in medical teams to help in three towns in southern Rwanda complimenting the efforts made by Great Britain, Canada, and Australia, and also to send in engineering units for repair of bridges and other things like that.

I am pleased that the new government in Rwanda has agreed to human rights monitors throughout the country. We now have 200 troops there. Within the next 2 weeks, Great Britain will have 800, Canada will have 600, and Australia will have 300. Those troops are there for noncombat purposes—medical, demining, and engineering. The remnants of the former government now in Zaire, the Organization for African Unity under Secretary General Salim are negotiating to work something out between the Government that is Rwanda and the former government remnants.

Generally speaking, the situation within the country is a much better situation. The situation for the refugees outside of the country remains, particularly in Zaire, a very difficult one.

I hope the administration, as well as Congress, will continue to cooperate in providing emergency assistance. But the administration is doing the right thing by responding to the needs there.

Mr. President, I yield the floor.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri [Mr. DANFORTH] is recognized.

IMPROVING AMERICA'S SCHOOLS ACT OF 1994

The Senate continued with the considerations of the bill.

AMENDMENT NO. 2430

(Purpose: To provide for an educational opportunity demonstration program)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 2430.

Mr. DANFORTH. 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 650, between lines 3 and 4, insert the following:

"PART H—EDUCATIONAL OPPORTUNITY DEMONSTRATION PROGRAM

"SEC. 1801. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) while low-income students have made significant gains with respect to educational achievement and attainment, considerable gaps still persist for these students in comparison to those from more affluent socioeconomic backgrounds;

"(2) our Nation has a compelling interest in assuring that all children receive a high quality education;

"(3) new methods and experiments to revitalize educational achievement and opportunities of low-income individuals must be a part of any comprehensive solution to the problems in our Nation's educational system;

"(4) preliminary research shows that same gender classes and schools may produce promising academic and behavioral improvements in both sexes for low-income, educationally disadvantaged students;

"(5) extensive data on same gender classes and schools are needed to determine whether same gender classes and schools are closely tailored to achieving the compelling government interest in assuring that all children are educated to the best of their ability;

"(6) in recent years efforts to experiment with same gender classes and schools have been inhibited by lawsuits and threats of lawsuits by private groups as well as governmental entities; and

"(7) there is a compelling government interest in granting the Secretary authority to insulate a limited number of local educational agencies and schools which are experimenting with same gender classes for a limited period of time from certain law suits under title IX of the Education Amendments of 1972, section 204 of the Education Amendments of 1974, section 1979 of the Revised Statutes (42 U.S.C. 1983), or any other law prohibiting discrimination on the basis of sex, in order to collect data on the effectiveness of such classes in educating children from low-income, educationally disadvantaged backgrounds.

"(b) PURPOSES.—It is the purpose of this part—

"(1) to give the Secretary discretion to allow experimentation with same gender classes for low-income, educationally disadvantaged students;

"(2) to determine whether same gender classes make a difference in the educational achievement and opportunities of low-income, educationally disadvantaged individuals; and

"(3) to involve parents in the educational options and choices of their children.

"SEC. 1802. DEFINITIONS.

"As used in this part—

"(1) the term 'educational opportunity school' means a public elementary, middle, or secondary school receiving funds under this title, or a consortium of such schools all of which receive funds under this title, that—

"(A) establishes a plan for voluntary, same gender classes at one or more than one school in the community;

"(B) provides same gender classes for both boys and girls, as well as a co-educational option for any parent that chooses that option;

"(C) gives parents the option of choosing to send their child to a same gender class or to a co-educational class;

"(D) admits students on the basis of a lottery, if more students apply for admission to the same gender classes than can be accommodated;

"(E) has a program in which a member of the community is asked to volunteer such member's time in classes of children of the same gender as the member; and

"(F) operates in pursuit of improving achievement among all children based on a specific set of educational objectives determined by the local educational agency applying for a grant under this part, in conjunction with the educational opportunity advisory board established under section 1803(e) and agreed to by the Secretary; and

"(2) the term 'educational opportunity advisory board' means an advisory board established in accordance with section 1803(e).

"SEC. 1803. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From amounts made available under section 1002(f)(3), the Secretary may award grants to ten local educational agencies for the design and operation of one or more educational opportunity schools.

"(b) INAPPLICABILITY.—Title IX of the Education Amendments of 1972, section 204 of the Education Amendments of 1974, section 1979 of the Revised Statutes (42 U.S.C. 1983), and any other law prohibiting discrimination on the basis of sex, shall not apply to a local educational agency or an educational opportunity school during the period such agency or school receives assistance under this part only to the extent the Secretary determines necessary to ensure the development and operation of same gender classes in accordance with this part.

"(c) GRANT PERIODS.—Each grant under subsection (a) may be awarded for a period of not more than 5 years, of which a local educational agency may use not more than 1 year for planning and program development.

"(d) LIMITATION.—The Secretary shall not award more than one grant under this part to support a particular educational opportunity school or consortium of such schools.

"(e) EDUCATIONAL OPPORTUNITY ADVISORY BOARD.—Each local educational agency receiving a grant under this part shall establish an educational opportunity advisory board. Such advisory board shall be composed of school administrators, parents, teachers, local government officials and volunteers involved with an educational opportunity school. Such advisory board shall assist the local educational agency in developing the application for assistance under section 1804 and serve as an advisory board in the functioning of the educational opportunity school.

"SEC. 1804. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each local educational agency desiring a grant under this part shall submit, within 180 days of the date of enactment of the Improving America's Schools Act of 1994, an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(b) SCOPE OF APPLICATION.—Each application described in subsection (a) may request assistance for a single educational opportunity school or for a consortium of such schools.

"(c) APPLICATION CONTENTS.—Each application described in subsection (a) shall include—

"(1) a description of the educational program to be implemented by the proposed educational opportunity school, including—

"(A) the grade levels or ages of children to be served; and

"(B) the curriculum and instructional practices to be used;

"(2) a description of the objectives of the local educational agency and a description of how such agency intends to monitor and study the progress of children participating in the educational opportunity school;

"(3) a description of how the local educational agency intends to include in the educational opportunity school administrators, teaching personnel, and role models from the private sector;

"(4) a description of how school administrators, parents, teachers, local government and volunteers will be involved in the design and implementation of the educational opportunity school;

"(5) a description of how the local educational agency or the State, as appropriate, will provide for continued operation of the educational opportunity school once the Federal grant has expired, if such agency determines that such school is successful;

"(6) a description of how the grant funds will be used;

"(7) a justification for the waiver or inapplicability of any Federal statutory or regulatory requirements that the local educational agency believes are necessary for the successful operation of the educational opportunity school and a description of any State or local statutory or regulatory requirements, that will be waived for, or will not apply to, the educational opportunity school, if necessary;

"(8) a description of how students in attendance at the educational opportunity school, or in the community, will be—

"(A) informed about such school; and

"(B) informed about the fact that admission to same gender classes is completely voluntary;

"(9) a description of how grant funds will be used in conjunction with funds provided under this title, and any other Federal programs, administered by the Secretary;

"(10) an assurance that the local educational agency will annually provide the Secretary such information as the Secretary may require to determine if the educational opportunity school is making satisfactory progress toward achieving the objectives described in paragraph (2);

"(11) an assurance that the local educational agency will cooperate with the Secretary in evaluating the program authorized by this part;

"(12) assurances that resources shall be used equally for same gender classes for boys and for girls;

"(13) assurances that the activities assisted under this part will not have an adverse affect, on either sex, that is caused by—

"(A) the distribution of teachers between same gender classes for boys and for girls;

"(B) the quality of facilities for boys and for girls;

"(C) the nature of the curriculum for boys and for girls;

"(D) program activities for boys and for girls; and

"(E) instruction for boys and for girls; and

"(14) such other information and assurances that the Secretary may require.

"SEC. 1805. SELECTION OF GRANTEES.

"The Secretary shall award grants under this part on the basis of the quality of the applications submitted under section 1804, taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) organizational structure and management of the school;

"(3) the quality of the plan for assessing the progress made by children in same gender classes over the period of the grant;

"(4) the extent of community support for the application; and

"(5) the likelihood that the educational opportunity school will meet the objectives of such school and improve educational results for students; and

"(6) the assurances submitted pursuant to section 1804(c)(13).

On page 474, line 16, strike "$20,000,000" and insert "$19,000,000".

On page 474, between lines 18 and 19, insert the following:

"(3) PART H.—(A) For the purpose of carrying out part H, 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.

"(B) Funds appropriated under subparagraph (A) shall remain available until expended.

Mr. DANFORTH. Mr. President, this amendment establishes the possibility that in a limited number of school districts, schools can be set up for the purpose of providing the alternative of single-sex education in those schools.

I want to emphasize the word "possibility," because the heart of this amendment is to require absolutely nothing, to mandate absolutely nothing, but merely to provide for an additional alternative for those school districts or those schools that want to avail themselves of that alternative.

Public schools now are coeducational. That is certainly the norm in America. And this amendment offers the possibility, on a trial basis, to create at least some schools—just a few—for a limited period of time, where single-sex education could be tried on a voluntary basis.

This amendment would give the Secretary of Education the discretion to waive title IX of the education statutes for 10 applicants. There is nothing that requires a school or a school district to make an application. If a school district is content with coeducation, does not even want to try the possibility of single-sex classes, the school district does not have to make an application. But if a school district wishes to try, then it can at least attempt to qualify for this educational opportunity demonstration program—a demonstration program.

If the school district does qualify and the Secretary of Education does waive title IX, then it is up to the parents to decide what they want to do. There is nothing in this amendment which would require a parent to opt for single-sex classes for his or her child. So even if the school were in one of the up to 10 areas in the country that might qualify, at the discretion of the Secretary of Education, for the program, the parent would still have the option to say yes or no. The parent could say, yes, I want my daughter or my son to be in, let us say, a single-sex math class; or the parent could say, no, what is best for my child is coeducation.

This option that would be available on a limited number of cases to parents would be equally available to parents of girls and parents of boys. The design is one of absolute equality of opportunity. And, as I say, it simply opens up the possibility for those schools that want it and for those parents that might want it.

Mr. President, for kids who go to private schools, their parents all over this country have the option to send their children to coed or single-sex schools. For some children, coeducation is the best thing in the eyes of the parents, and for some parents of boys and some parents of girls, single-sex education is the best thing for those kids.

My first four children were all daughters, and we decided that—and in fact they decided—that they preferred to go to single-sex schools. They were private schools. They thought that they were the best schools for them. And then our fifth child is a son, and it was the same thing for him. He went to a single-sex school. For some kids, coeducation is better. But for our kids—I think especially for our daughters—single-sex education held them up as young women—girls, really—because they started when they were in fourth or fifth grade, something like that. Single-sex education, for my kids at least, happened to be the best thing for them. It ratified, approved, held up for approval those attributes of my children which deserved to be held up and deserved to be approved. So it was a very, very good experience for my children. But I recognize that it is not the best for everybody. For some people, coeducation is better.

All I am saying in this amendment is to at least open the door so that for at least some parents of some children, and some public schools, there is another alternative to coeducation. For some parents and some schools, there is at least the option to say that, for my child, it is better that my boy go to a boys' class, or that my girl go to a girls' class. That is all it is about. Nothing is required.

For each one of these children in this new optional program that would be created, the alternative to coeducation would also exist. So for each one of these parents, the parent could say: I do not want my girl going to a girls' math class or to a boys' history class. They could say: We want coeducation. That alternative under this amendment would have to be available for those children.

Why is this necessary? Why is this amendment necessary? Why do I even bother to offer it? Well, it is necessary because there are, around the country, Mr. President, school districts that have reached the conclusion that for at least some of their kids, single-sex education is the best thing for those kids. In school districts in Milwaukee and Detroit and Miami and Baltimore and Philadelphia, there have been at least some schools in those districts that have come to the conclusion that, for at least on a trial basis, they should have the opportunity, they should make the attempt to find out if for some of those kids, single-sex education works. However, the bad news is that they have been under the cloud of lawsuits when they have made that decision. They have been threatened and, in some cases, they have been sued. In some communities, these trial programs have been terminated.

In the inner cities in particular, there have been attempts at same gender schooling in the form of classes to address the poor academic performance of the kids in those schools. However, legal opposition, particularly legal opposition that has been precipitated by the American Civil Liberties Union and by the National Organization of Women, have chilled those decisions.

So, Mr. President, let me provide a few examples of what has happened in the real world. Stanton Elementary School is in Philadelphia, PA. There is a teacher at Stanton Elementary School named John Coats. And John Coats initiated a model 5-year program for a group of 20 first-grade boys who had exhibited learning problems in kindergarten. Under this trial program, nine of the boys made honor roll; however, the ACLU threatened to file a lawsuit, and as a result of that the program was canceled.

In Miami, an elementary school principal implemented a male-only class in his school. After 2 years of operation, the regional office of the Department of Education killed it on the ground that it violated title IX.

In August of 1991, a Federal court prohibited Detroit's operation of its three all-male academies after suits were filed by the ACLU and the National Organization for Women. The black community in Detroit strongly supported these all-male schools, and on a kind of informal basis about 90 percent of the students who were enrolled in these three academies continue to be boys.

But, to say the least, there has been a chilling effect, and some of these programs have been stopped as a result of the threat of lawsuits or the actuality of lawsuits.

Now, while some of the programs have been terminated, other programs have continued, albeit on a clandestine basis—furtively. There has been a fear of lawsuit. There has been a fear of action by the Department of Education. So they have continued to operate these programs, but they have done so on a furtive basis.

While there is an interest in single-sex schooling among the African-American community, it is evidenced by the fact that "all-boys classes are being held quietly in as many as two dozen schools around the country, mostly in

inner cities." These programs are going on in "near secrecy for fear of discovery by lawyers and government officials intent on shutting them down in the name of equality."

That is a quote, Mr. President. That is a quote. And the quote is from someone who a lot of people in the Senate have heard of, Prof. Susan Estrich of the University of Southern California. We remember Professor Estrich because she was a key adviser to Michael Dukakis. She says, "all-boys classes are being held quietly in as many as two dozen schools around the country, mostly in inner cities."

She says that "near secrecy for fear of discovery by lawyers and government officials intent on shutting them down in the name of equality" has been the result of this situation.

So, Mr. President, if people who want good schools, if school districts and schools that want to do a good job especially for minority kids are trying to do it, it is the judgment of this Senator that we should enable them to do that. We should allow them to at least make application to the Secretary of Education. The Secretary of Education does not have to say yes to them. The Secretary of Education could say: "I do not believe in this program. I do not believe that the option of single-sex education should be made available to anybody." The Secretary of Education could say: "Well, this just does not pass muster. I do not like it." And the Secretary of Education would be free to say no.

But I believe that at least we should offer the Secretary of Education that option, to say yes to schools that themselves have said yes for parents who want this alternative for their children.

Mr. President, clearly we are at a state in our country where different approaches to education are becoming essential, especially becoming essential for those who live in our inner cities and who go to schools that have been so ineffective in providing decent education for those kids.

Let me just give a few examples of what I am talking about. Here is the current state of our public schools in this country. In a 1992 study, only 6 percent of 12th grade students could do word problems involving algebra and fractions that prepare them for college math. Let me restate that. In a 1992 study, only 6 percent of 12th grade—that is seniors in high school—students could do word problems involving algebra and fractions that prepare them for college math.

Less than half of 17-year olds in school possess the skills and knowledge required for most entry level jobs or college.

Forty-seven percent of the U.S. population performed at the lowest two levels of literacy in 1992.

Thirty million Americans are functionally illiterate, as are 11 percent of high school graduates in America. Eleven percent of high school graduates in America today are functionally illiterate.

Fifteen percent of recent graduates of high schools read at less than a sixth-grade level. One million Americans between the ages of 12 and 17 cannot read above a third-grade level. One half of all the heads of households below the poverty line cannot read an eighth-grade book.

In 1993, 11.8 percent of Hispanics 25 years of age and over had less than a fifth-grade education. Forty-two percent of African Americans over the age of 17 cannot read beyond a sixth-grade level. In urban areas where 85 percent of the African-American community resides, the dropout rate is nearly 50 percent. In 1986, 57 percent of blacks between the ages of 10 and 15 were 2 or more years behind their grade level.

America ranks 49th in the world in literacy. Nine-year-old students from the United States scored lower on average in mathematics performance than 9-year-olds from all other developed countries in the world.

In a 1989 study, Americans between 18 and 24 finished last among nine countries, including Mexico, in a knowledge of geography.

On and on and on and on.

Mr. President, my point is that is the status quo. That is the status quo.

And the status quo is not enough. If there are schools that want to try something else and there are parents who want to try something else for their children, the Congress of the United States should not stand in the way.

Milwaukee is one of the cities that has made the attempt to experiment on at least some basis with having single-sex classes. In Milwaukee, 50 percent of black males did not graduate from college and 2 percent of black males had grade point averages above 3.0.

And then there is the problem of girls. Research has found that teachers call on boys more frequently than they call on girls. Research has shown that teachers spend more time with boys than they spend with girls; that they encourage the initiative of boys and the inquisitiveness of boys more than they do of girls.

Evidence has shown that by grade six, girls have become more tentative, far less likely to respond to questions, and reluctant to take part in class demonstrations than boys. Girls' self-esteem begins to slide in the middle-school years. There are tests that demonstrate all of this. There are reports that demonstrate all of this.

The reason that we made the decision in our family, including our daughters themselves, that they should go to a single-sex school was for the very reason that, for them at least, a single-sex school built that self-esteem and that confidence that we felt was so important to them. And they have done very, very well, I might say, Mr. President, as a result. All four of them went to coeducational colleges, which, Mr. President, when you and I were in college were all male colleges at that time. Two of them went to Princeton, one went to Dartmouth, and one went to the University of Virginia from their all-girl schools. And they went there with a great sense of self-esteem and a great sense that they could do anything and, in fact, since then they have been able to do anything.

Well, what is the result of single-sex education where it has been tried? It has been tried at the Ronald Coleman Elementary School in Baltimore. There have been threats, I might say, by the ACLU to close down that program. However, the mayor, Mayor Schmoke, took a very strong stand and said, in effect, "Don't you dare close my program down." So it is still going, the Coleman Elementary School in Baltimore.

All classes in that school are segregated, boys and girls. That would not be the case in this legislation. But in that school, there are boys' classes and girls' classes. It is an economically depressed area, Mr. President. It is an area in which 85 percent of the students live with a single parent or with a grandparent.

Let me read the rankings of those kids in this area in north Baltimore and then in the Baltimore school system as a whole.

Kindergarten, Coleman Elementary School ranked fifth out of 21 in the north area; 13th out of 115 throughout Baltimore. First grade, first in the area; fifth out of 115 in the system. Second grade, second; in the whole system, they ranked third. Third grade, third; in the whole system, 10th out of 115. Fourth grade, fourth; 21st out of 115 in the entire system. Fifth grade, seventh out of 21; 29th out of 115 in the entire system.

And how about math? In math, I will just read the entire system format, although it is equally strong in the area.

But in the entire school system, the Coleman Elementary School ranked sixth out of 115 for kindergarten; sixth for first grade; third for second grade; 23d for fourth grade; 29th out of 115 for fifth grade.

Well, that is a pretty good performance for the Coleman Elementary School.

I debated whether or not to even mention the name of the school because, while it has been under threat by the ACLU, I am concerned that something will happen to it as a result of publicizing this. But it has obviously been successful.

In 1986, research reported in the Journal of Education Psychology found that girls attending single-sex schools have greater interest and achievement in math and English, and both boys and girls spent more time on homework.

Another study found that attendees of single-sex schools were more likely than students attending coeducational high schools to gain admissions at selective 4-year colleges, and more likely to consider graduate study.

A study of eight coeducational and seven independent female boarding schools revealed that students in single-sex schools reported more emphasis on academics in their schools.

(Mr. SIMON assumed the chair.)

Mr. DANFORTH. Researchers have also concluded that single-sex learning environments provide greater emphasis on discipline and control and a significant correlation between order and discipline in accounting for positive educational outcomes.

Cornelius Riordan, the professor at Providence University, has done research on this subject, particularly with reference to girls. Cornelius Riordan—Professor Riordan, in his research, confirms earlier research that girls in single-sex schools score a full half grade above their coeducational counterparts on academic ability tests. Girls in single-sex schools outperform girls in coeducational schools by almost a full grade level on science test scores. African-American and Hispanic students scored nearly a grade level above their coeducational counterparts in academic achievement tests.

I want to repeat that for emphasis because I think this is very important information. Girls in single-sex schools scored a full half grade above their coeducational counterparts on academic ability tests. Girls in single-sex schools outperformed girls in coeducational schools by almost a full grade level on science test scores.

African-American and Hispanic students scored nearly a grade level above their coeducational counterparts in academic achievement tests.

In addition, Riordan has found that leadership behavior and participation among African-American and Hispanic students, both male and female, who attend single-sex schools, surpasses that of those who attend coeducational Catholic schools. At the Malcolm X Academy in Detroit, seventh graders who have attended single-sex classes at the Malcolm X Academy, their math scores for 1993 and 1994 were the highest among the 77 schools in Detroit and the second highest in Michigan among 780 schools. Similar results have occurred in Baltimore. Those are the studies.

One of the problems is that it is hard to study this because there are so few schools that do it. It is not even tried for fear of lawsuits or for fear of the Department of Education. They do not even try it. They are afraid. So they cannot do it, so it is hard to study. One of the things this legislation would do would be to provide at least the possibility in just 10 areas of the country, maximum of 10 areas of the country, that we could at least get some more information as to whether these early indications that we have so far have greater application.

Is it not worth at least a try? Particularly if we are not forcing anybody to do anything. We are not forcing the school district to do this. We are not forcing a parent to do it. If a school district does not want to have any part of it, they do not have to apply. If the Secretary of Education does not want any part of it, the Secretary of Education does not have to allow it. And if it does come into existence and the parents do not want it, the parents will have every right to keep their children in a coeducational environment. It is absolute freedom. It simply opens an option, and is not the option at least worth studying?

Mr. President, I want to read the conclusions of a number of people who have weighed in on this subject, just to say I am not alone.

Again, Professor Susan Estrich, professor of law and political science, University of Southern California—as everybody knows, a key adviser to Michael Dukakis, former campaign manager, in fact, of Michael Dukakis. She wrote an article on this subject. She said in the article:

> Private schools may open their doors only to boys or girls under an exemption to federal law mandating "equality." But public schools enjoy no such freedom. The reality is that if you need a Wellesley education in America, you have to pay for it. That's the price of committing to formal equality instead of real opportunity.

Elizabeth Fox Genovese, professor at Emory University, here is what she says:

> Research and common sense suggest that what single-sex schools offer especially benefits people from lower and middle-class backgrounds, precisely the people who need the public sector.

William Raspberry, the noted columnist, concludes that same gender programs clearly work. I have a column from William Raspberry. I ask unanimous consent that column be printed in the RECORD at this point.

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

NO OFFENSE, BUT WHAT HAVE THEY LEARNED?

(By William Raspberry)

Thank heaven it's not a public school, or St. Stephen's and St. Agnes would be in trouble. No, the private Episcopal school in Alexandria is not overcharging kids, or abusing them, or oppressing them. It's educating them very well.

But it is doing so by (among other things) operating single-sex classrooms for math and science in sixth, seventh and eighth grades.

The rationale for this gender separation is the well-documented fact that, in math and science, girls tend to do as well as boys of equal intelligence. Whether the difference is the result of nature or merely of socialization, of male-oriented teaching styles or of lowered self-esteem for girls, the result often is that girls have their subsequent academic and career choices curtailed.

I've heard all manner of explanations: that girls learn more efficiently by listening, boys by mental and physical manipulations; that girls deliberately under-perform (in mixed settings) to avoid the social cost of being as good as the boys; that teachers (inadvertently, of course) pay more attention to boys than to girls; the girls prefer cooperative learning, while boys turn learning—and everything else—into a competition.

Some of the explanations may not be true. This is: If the St. Stephen's and St. Agnes experiment were taking place in a public school, somebody would be out to stop it.

They just stopped one in Philadelphia, where John Coats, a teacher at Stanton Elementary School, had initiated a model five-year program for a group of 20 first-grade boys who had had learning problems in kindergarten.

The program was working—indeed, it was the subject of a documentary, "I Am a Promise," that reportedly is up for an Oscar. Nine of these erstwhile slow-learning boys made the honor roll. But the program is dead now. The American Civil Liberties Union threatened to file a lawsuit against it on the ground that boys-only classes are unconstitutional, and the school district folded.

Detroit's attempt to establish all-male academies as a way of rescuing boys at risk of becoming dropouts (and worse) ran into similar legal opposition, as did an earlier effort in Miami in which I, quite indirectly, had a hand. My limited involvement was a column I had written on Spencer Holland, then with the D.C. school system and now at Morgan State University in Baltimore. Holland, an educational psychologist, had told me of his dream to establish all-male kindergarten and primary classes, headed by male teachers. Particularly in the inner cities, where young boys may go for days at a time without directly encountering a literate adult male, he thought it might make an important difference.

Willie Wright, a Miami elementary school principal, saw the column, and asked me to help him get in touch with Holland. In the fall of 1987, the two men implemented Holland's idea. As Wright told me later, "It was a total success, academically and socially. There were no fights, no kids sent out for discipline. They not only improved academically, they became their brothers' keepers, something not generally found in low socioeconomic schools. Not a single parent complained. In fact, virtually all of the parents of boys wanted their sons in the classes."

But after two years of unquestioned success, the Department of Education's regional office killed the experiment—said it was a violation of Title IX (of the federal Civil Rights Act) guarantees against gender discrimination.

Where do they get these people who are so solicitous of disembodied "rights" that they are willing to do demonstrable damage to actual children? The explanation, always, is that the way to meet the academic needs of these real-life children is not to segregate them by gender but to make the classrooms fair.

Of course. But it isn't entirely clear that the problem is classroom unfairness of a sort that can be readily corrected. Most elementary schoolteachers (sixth grade is where girls' self-esteem begins to take a downward slide) are women and are unlikely to be deliberately uncutting the self-confidence of girls' Philadelphia's Coats, like Holland before him, thought the boys weren't learning

because of the near-total absence of positive male role models in their lives. How do you make the classrooms fair enough to compensate for that?

There's a lot we don't know about educating children. That's what make it so sad when these self-righteous monomaniacs are willing to kill a program that clearly works for actual children out of deference to the possibility that somebody's theoretical rights might somehow be damaged.

Where, I ask, is the societal gain if our children wind up dead to "rights"?

Mr. DANFORTH. The headline is "No Offense, but What Have They Learned?" I do not know yet the date, but I will supply it for the RECORD later.

Deborah M. McGriff, Ph.D., with The Edison project. She concludes, "Same gender schools are a viable idea supported by credible research."

Anthony S. Bryk, professor of education, University of Chicago:

* * * results here strongly suggests that schools specifically designed to educate historically disadvantaged populations—such as women, minority men—may be especially effective in expanding educational opportunities in our society.

Anita Boggs, principal, Rochester, NY, speaking of the amendment that is now before the Senate:

Your amendment would offer serious researchers the opportunity to take this concept out of the realm of assumptions and band wagon hysteria and into the realm of hard facts based on research driven data.

James S. Coleman, professor of sociology, University of Chicago:

The amendment will provide a valuable opportunity to learn from a virtually costless educational change that could increase achievement.

Cornelius Riordan, professor of education, Providence College:

Single-gender schools work. They work for girls and boys, women and men, whites and non-whites. Research has demonstrated that the effects of single-gender schools are greatest among students who have been disadvantaged historically—females and racial/ethnic/religion minorities.

Dianne Ravitch, former Assistant Secretary of Education.

This is an important amendment, for it will expand the educational diversity and opportunity that is so badly needed for children who are now at risk of failure.

Elsa Bowman, past president, National Coalition of Girls Schools:

It is ironic that Title IX, originally intended to encourage gender equity, now actually hampers the public sector's freedom to experiment with alternative programs such as single-sex schools. At present, such models of schools are available only to parents who can afford a private or parochial school. Parents who must rely on public education are being denied the right to choose from a range of educational options which might better serve their children.

David Reisman, professor of sociology, Harvard University:

Opposition to the Amendment would seem to me to suggest a fear on the part of some of the groups which have opposed single-sex education for boys, even the African-American boys at greatest risk, that it might turn out to be successful!

Those are the words of people who know far more than I know, and they have studied this far longer than I have.

I just want to add one other point. I think all of us in Congress have been stung in the health care debate by those who have said, "Why can we not have what Congress has?" For people who go to Congress and they have children, they have a whole variety of opportunities. They can send their children to some of the best schools in the area, if not in the country.

Some of those schools are coeducational. President and Mrs. Clinton send their daughter to a coeducational private school, Sidwell Friends, an excellent school. Other people send their kids to very, very fine single-sex schools—National Cathedral School, St. Albans School. Vice President GORE, I believe, has sent his son, or sons, to St. Albans. Holton-Arms School where my daughters have gone; Landon where my son has gone—all single sex.

Some of the Catholic schools are coeducational, some are single sex. Georgetown Prep, single-sex school. It is an option that we have. It is an option that people who have some income or some assets have. But it is an option which is generally unavailable to people who must rely on the public schools. And yet it is an option that might work. Not for everybody, not for every child, but for some children it might work.

We do not even have the knowledge to make that decision, other than some anecdotes which I have recited, other than some studies which have been very partial studies and conclusions from some experts. But the body of information is not there. Let us at least try it. Let us at least try it on this very tentative version that is offered in this amendment—only 10 demonstration projects around the country. Only 10 around the country, each of which would have to be approved by the Secretary of Education, 5 years per program.

The school district does not have to participate. Parents do not have to participate. But for those who want them, Mr. President, does anybody contend that we have someplace to go that is down? My view is, given the state of education in this country, we have no place to go but up. It is the greatest thing we can give our children, and when we talk about generation after generation in poverty, and when we talk about subclasses of America that seem locked into the status quo, should we not at least offer some research on a tentative basis to see if something else works?

So, Mr. President, with that in mind, I offer this amendment.

Mr. GRAHAM. Will the Senator from Missouri yield for two questions?

Mr. DANFORTH. Of course.

Mr. GRAHAM. Mr. President I am impressed with the innovation of this idea, and I personally believe that schools ought to be encouraged to experiment so that they can meet diversity of needs of children.

As I listened, the Senator's statement of problem is that there are current legal impediments which have caused local school districts to be either reticent to or to actually be prohibited from pursuing single-sex schools; is that a correct statement?

Mr. DANFORTH. That is correct, either because of statements made to them by the Department of Education or the fear of lawsuits. I might say, in the case of Miami, it was the regional office of the Department of Education. In other cases, it has been the threat of lawsuits that have caused them to terminate the programs or to continue the programs on a clandestine basis.

Mr. GRAHAM. My concern is that it seems as if the amendment of the Senator from Missouri goes beyond solving that problem and creates a rather elaborate superstructure of grants, funding and advisory committees in order to set up these 10 demonstration programs.

Would it not be more direct and a resolution of the problem if we were to authorize—under some appropriate circumstances—a waiver of those existing provisions in title IX, or elsewhere, which have served as the prohibition and then let local school districts without the restraint to local educational agencies or without the superstructure of an elaborate grant process in specific details as to how it be accomplished, let local discretion decide, A, whether to adopt this philosophy and, B, if so, how to go about implementing it?

Mr. DANFORTH. I think it would be wonderful if there were a simplified and very general waiver, but my concern was, I think that there is obviously a controversial idea and when you have a controversial idea, it is better to proceed, I think, in a cautious way. That is why we limit this to a demonstration program which applies to only 10 possible schools and which has an application process, and in the application process, among other things, the school district has to give various assurances, especially assurances relating to the equality of opportunity.

I had a discussion about this last week with Senator Carol MOSELEY-BRAUN, and she expressed the concern, well, maybe this can be rigged in such a way that it will be disadvantageous to various people. We have assurances that have to be given that resources are used equally for the same gender classes for boys and girls, that activities assisted cannot have an adverse effect on either sex, the distribution of teachers between same gender classes for boys and girls are equal, and so on.

All of this is the way to try to give assurances to people that were proceeding one step at a time.

Mr. GRAHAM. If I can make a short statement, Mr. President, and then conclude with another question. What concerns me is that there is an appearance here of more than sanction but outright promotion of this idea. For instance, in the appropriations section in the first year, you authorize up to $1 million for 10 local educational agencies. Those dollars, as I read the amendment, are to be used for planning purposes. Then in subsequent years, it is "such funds as may be necessary."

What concerns me is there is an inference there that a school district is going to receive more than normal funding through this additional Federal source to support these single-sex schools than the school district would receive if the same children were in a conventional dual-sex educational environment.

I do not think it is either necessary to solve the problem, nor maybe the goal of the sponsors of this proposal, to create such an outright promotion by the carrot of additional Federal funds.

Personally, I think the idea would be more acceptable and less controversial if it stopped at the problem—that is, removing the current legal inhibitions to local school districts experimenting with this—without them going the next step of creating the concept that there is a Federal advocacy of this approach and an undefined amount of potential Federal financial support for these schools.

I am not incorrect, am I, in suggesting that it is not your opinion that these schools are going to be permanently more expensive than traditional dual-sex schools and, therefore, are going to require either from Federal or local sources a continuous level of funding which is above that available in dual-sex schools? Am I correct that is not your assumption?

Mr. DANFORTH. That is a thought that, quite frankly, never crossed my mind. The $1 million, which is about the smallest amount of money I guess that could be appropriated by the Federal Government, is simply for the purpose of the cost of submitting the grant application. The only other cost that I conceive of is a study of how effective it is.

But there is absolutely no notion of trying to sweeten the pot or trying to encourage school districts to do it. Rather, it is to allow up to 10 school districts to make an application and to simply offer them the possibility. It has to be borne in mind that by the very nature of this, the school districts that would apply for this are, generally speaking, the poor school districts, and because of that we thought that to facilitate the application and to also allow the possibility of studying how well it works, certain funds have to be made available. If the Senator would like, I would be happy to delete that if that would be something that Senators felt strongly about. I really do not feel strongly about it. I just want to open up the possibility of a limited number of cases of waiver.

Mr. GRAHAM. With that goal, I would be in agreement, to allow local school districts to have the flexibility to experiment with this without creating the impression that the Federal Government is promoting this as opposed to other organizational arrangements local school districts may be considering.

There are lots of ideas that I personally, if I were a member of a school district, would like to see my school district experiment with and attempt to implement. But I am cautious about the Federal Government passing a whole series of interesting ideas with bits of money behind them and the distorting effect that it is going to have at the local school district level by creating the impression that these are the ideas which have been given some particular sanction and for which there is a positive inducement by virtue of the money available.

I think the amendment the Senator submitted says after the first year when the funding is limited to $1 million, then in subsequent years it shall be such funds as are required, which could create the impression that there is going to be some cornucopia of educational dollars flowing to those districts. I doubt that that is the case, but I think that creating such an impression, as flawed or as inappropriate as that impression may be in terms of the sponsor's objective, goes beyond the necessity of removing legal inhibitors toward the promotion and advocacy of a particular idea.

Mr. DANFORTH. As I stated, that never crossed my mind. If the Senator is interested in this and believes that is the effect of it, I will be very happy, as soon as we finish the colloquy, to ask my staff to communicate with the Senator's staff, and we can send a modification to the desk.

Mr. GRAHAM. Mr. President, I would be very pleased to engage in that discussion.

Mrs. FEINSTEIN. Mr. President, I rise to commend the Senator from Missouri. I had the opportunity to listen to his remarks, and I would like to compliment him for a very thoughtful and comprehensive statement.

I really believe that inherent in the early part of the Senator's remarks were statistics that indicated our public school systems are failing to educate young people. We need to have flexibility, and some of that flexibility is already being shown. We have seen the development of magnet schools, alternative schools, a new program for charter education. Why not try some single-sex schools? I think $1 million for a pilot of 10 schools is certainly something that this bill ought to be able to provide.

I am the product also of high school which was single sex. It stood me in very good stead. I went on. My elementary education was in public education. I had the opportunity to go to a Catholic girls high school which was a very special experience for me, gave me extraordinary benefit, I think.

I listened to what the Senator said about his own children, and I find myself in agreement. Why should not a parent have a choice of whether to send a youngster to a single-sex elementary school if that parent believes that youngster could learn better in that environment. It seems to me to be something that public education ought to offer.

I would like to commend him for his thoughtful dissertation and rationale.

I yield the floor, and I thank the Chair.

The PRESIDING OFFICER. Who seeks the floor?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as always, our friend and colleague has addressed the Senate in a very thoughtful way. He is someone for whom all of us have enormous respect because of his continuing interest and commitment to advancing the academic achievement of young Americans. Any proposal that he recommends is always given a good deal of thought and attention. Certainly this one deserves thought and attention as well, since really the thrust of all of this legislation is to try to see to the advancement of education for children, particularly those that are economically disadvantaged. I think all of us understand very well the extraordinary challenge facing our young children in this country who must deal with, both in urban and rural circumstances, many of the real challenges of life. These challenges pose extraordinary difficulties for young people, who deserve to grow in an atmosphere where they can learn and where they can progress.

I think all of us understand the importance of academic achievement and accomplishment and what it means in terms of self-value and self-worth for each individual, and the influence it has on the contributions that every individual can make not only their own lives and their families' lives but also in the future of the country.

I think there is an increasing recognition that intervention at the earlier stages is critical. Earlier in the year we made the significant step of expanding Head Start from ages zero to 3, in the effort to focus resources on developing confidence in our children before they even enter the academic world.

So this bill really is about trying to enhance academic achievement of our

young people, recognizing the existence of enormously complicated issues, such as the fact that many children live in home settings torn apart by physical violence, emotional abuse, and substance abuse. Too many children live in extraordinarily difficult home environments, and if that were not enough, have to face violence on their way to school, at school, and on their way back home from school. No place for them is safe. In addition to the violence, many children go to school hungry, and then must try to learn on empty stomachs in crowded classrooms, using books that are not challenging, and in many, many instances, outdated, taught by teachers who are, as a result, unable to give the kind of attention and instruction that they were trained to provide.

There is no question that in many, many instances—although there are some extraordinary examples to the contrary in many of the urban areas—improving the ability of children to excel and achieve in the schools is really one of the Nation's great and basic and fundamental challenges. Earlier this year, the Carnegie Commission report came out on the impact that nutrition, and the lack thereof, has on the brain development of infants and young children. Giving children the right kinds of nutrition, as well as love and support and caring during the very earliest parts of their lives, can have a significant impact on their ability to learn and progress.

So these are difficult and complex issues, and I think we all have a sense of frustration about what is really the best way or a new way of moving this process forward. We have reflected on many of the suggestions and recommendations which have been illustrated in this legislation, and have responded by waiving various kinds of requirements at the local level to permit a greater gathering of resources, thereby allowing local communities the ability to reduce the number of students in the classroom, enhance teacher training, and provide many other programs to expand literacy both for students and parents.

It is against a background, Mr. President, that we have seen over the history of our country where we have had many of our schools segregated as a result of policies of historical understanding. We certainly moved away from those, and attempt to do so. But still we find that many of our schools are basically of one particular race, certainly in many of the urban areas of this country.

We have also come from a tradition where young women students have not been given the kind of recognition, have not been given the priority, have not been given the attention, and have not been given the support in a wide range of different services out there. Some of those were referred to by Senator DANFORTH. That has generated strong support by a number of us here in trying to address the gender equity issues that are surrounding education which many of our colleagues have given great attention to.

We are not that far from the problems that young women were facing in terms of entry into the Citadel—one of our fine universities—in recent times, to understand that in many instances some of the institutions of higher learning as well as others have not been as nearly receptive to women in terms of the educational opportunities that are being provided to them.

We passed title VII and title IX. We passed antidiscriminatory provisions in terms of women, and also on gender, and we were fighting this issue even in recent times when we had a Supreme Court say it was all right at an institution of higher learning if you are going to discriminate against women out there on the playing field, or even in the lab, as long as you did not discriminate against them in the financial aid office because that is where the entry level of financial aid, which is taxpayers aid, was actually coming to the university. That is the most convoluted reasoning that I think we could possibly understand, certainly by the Supreme Court.

But, as a matter of national priority, we have to be very clear that we are not going to continue to support taxpayers' money to be utilized in ways that are going to further segregation, whether it is going to be on race or religion or ethnicity or gender, or on disability as in the most recent times.

So this has been building over a period of time where we have seen women—women's education, women's programs, support for women's activities have basically been second class in terms of too many aspects of our educational processing system. It is one of the key reasons that we have included in this legislation the gender equity provisions because we have taken note of it. We have had testimony about it—that when you begin to divide up and have in one situation just boys or young men, and in another situation have girls and young women, the record is very replete, it is very extensive, and it is historic about the fact that young women or women under the kind of a dual system which has moved in a direction where you have males and have females who historically, and even in the very recent times, have been shortchanged.

With strong bipartisan support, we have the programs in this legislation to address the issues of effective gender equity policies and practices at all educational levels, to assist educational agencies to implement policies and practice complying with the title IX program, the training for teachers and counselors, administrators and other school personnel, especially preschool and elementary school personnel in gender-equitable teaching and learning practices. Why? Because, in the experience we have seen in this country, when it has been left out there, the boys are in one area and the girls are in another, history has demonstrated time in and time out that they are the ones that have been left out and left behind.

We continue leadership training for women and girls to develop the professional, marketable skills to compete in the global markets, and the school-to-work transition program which we passed before. There have been a number that have been selected. In my own State we have Tech-Prep which has been extraordinary in moving young people from high school into good employment. We have to be very careful so that the ones that are selected are not primarily males. We have taken note of this as well, which offers new opportunities for young people.

Many of the kinds of model programs that have been out there to try to jump start that School-to-Work Program tended to be primarily the male programs because there had not been the development of other kinds of educational models by which women could move on into the workplace in a more equitable way.

This goes on, Mr. President. I just raise that because of the genuine concern that we have about beginning to diminish. I find that the arguments that Senator DANFORTH made by only limiting this to just a handful—the 10 schools, very, very small to try something—has at least the basic kinds of appeals, because I think many of us are prepared to try most anything to try to have some impact in terms of children and enhanced possibilities.

But I think that we have to look at this whole area in terms of waiving important provisions in law which have been carefully devised over a period of time to try to give the continued protection to individuals.

We know basically what begins to work for children, from whatever experience. We begin to have some kind of idea. My concern is that in an attempt to try to find some silver bullet in this whole process, that we really failed to focus on what is the most important and essential lessons that we have to learn in terms of educating. Young people cannot learn if they are hungry when they go to school. Young people cannot learn if they are intimidated in the classroom. Young people cannot learn if they are in overcrowded classrooms. Young people cannot learn if they have teachers that are not well trained. Young people cannot learn if they are going to schools and buildings that are deteriorating and without heat. Young people cannot learn if they have lousy school books and been denied some of the more basic kinds of elements that most of us associate

with education; that is, sometimes to be able to develop themselves physically and enjoy the comradeship in terms of sports, competition, and learning the lessons that they afford in those areas.

We know that if you deny our young people in an important way, any of those dozens of others, they are not going to learn. They are not going to learn. The focus and the attention of this legislation is to try, in an enhanced way, because there was an important enhancement by the administration in terms of the funding of these programs, to build upon those experiences, to reach out in terms of trying to be sensitive to the gender-equity issues, and to try to see if we cannot make some additional kinds of impact in terms of the children, and with the expense of the Headstart Program, and with the school reform of the Goals 2000, and with the School-to-Work Program, and with the community service programs, and with the very important advancement in terms of the teacher training, and with the inclusion of Senator MOSELEY-BRAUN's amendment dealing with infrastructure, and with the different provisions of the legislation dealing with literacy and other efforts which have been tried and tested, advance the whole process.

So, Mr. President, I have great respect and friendship for the Senator. In listening to his discussion, and during the period of time, I find that he makes an important contribution, certainly, to the debate and the discussion. It has, obviously, a good deal of appeal to a body that is constantly looking at alternatives that we have not thought about or considered. But I do think that, having seen the whole process and movement, we should be very wary of waiving basic and fundamental rights. There have been some who have suggested in some areas that we ought to try to do it not only with respect to gender, but also on the basis of race. Suppose you just do it on the basis of race. What would eventually happen if you do it just with respect to African-Americans, and then, let's say, with respect to Hispanic-Americans or Asian-Americans. And then, would you have the same thing with regard to gender on the other side? What is going to be the totality in this kind of a movement? Can we honestly say that this would help us overcome one of the great challenges of our society—eliminating misunderstandings and suspicions and insensitive awareness to the hopes and dreams of young and old alike? Or does it really only perpetuate the problem?

I know that the particular scenario which I have just outlined is not included in this amendment, but it is a very real part of what some individuals have been thinking about. As a society, we should be cautious about moving in that direction, because we have a pretty good idea and awareness about what does work. It is the investment in people. Schools work because people invest their energies in making them work, and they invest in teachers, and that results in academic achievement and accomplishment. And these schools must constantly improve in the process. We know what really works in education. Too often, we are unwilling to give it the kind of central priority for society we should.

So, Mr. President, I hope this amendment will not be accepted.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I thought, until the last sentence, that was a pretty good speech for my amendment.

Mr. President, clearly the objective of all of us is to improve opportunities for more of our citizens, and particularly for poor kids. I went through a whole list of facts earlier about the failure of education for our most disadvantaged kids. I made the argument that we have to do better; we have to try something that does better.

With respect to the possibility of single-sex education, first let me reiterate that Senator KENNEDY talked about the importance of going slow and not jumping into something that is precipitous. It would be hard to imagine an amendment that goes slower than this amendment. This is a very, very incremental amendment. It does not create a nationwide waiver of title IX. It simply gives the Secretary of Education the power to waive title IX in no more than 10 selective cases for no more than 5 years—just to try something else. It does not force a school district to participate; it does not force a parent to participate. In fact, as a result of this amendment, if this amendment became law, there is no parent in the country that would not, as a matter of right, be able to place his or her child into a coeducational class. Coeducational classes, under this amendment, must be made available. All this would say is that there would be the possibility of trying out single-sex education.

Clearly, we have a problem now. It turns out that the problem is not only one of poverty and is not only one of poor schools, but there is a gender aspect to this problem. There are studies that girls in our schools often do not do as well as they should. In girls' schools, 80 percent of girls take 4 years of math in comparison to the national average of 2 years in coeducational environments. So, in a coeducational school, girls generally take 2 years of math at the high-school level. Boys, as a result, tend to outscore girls in college board tests. There is no reason for that. I do not think there is a reason that a scientist could discover for that. But on a de facto basis, something happens in the education of at least some girls.

I pointed out earlier, teachers call on boys more frequently than they call on girls. Why is that? It is not something that is written in the law. There is nothing in the law that says to teachers that you have to call on boys more than you call on girls. But it is true. There are studies that show this, and it is true. If a girl is in a class side-by-side with a boy, the boy is more likely to be called on than the girl.

So by the sixth grade, girls have become more tentative; they are less likely to respond to questions. By the time they enter middle school, girls who have previously held the edge in subjects, including mathematics, begin to lose points in every category of national tests.

I do not know the reason for this. But I do know that from the standpoint of girls, there are some girls—maybe a lot of them—that do better in a single-sex setting than a coeducational setting. Therefore, there are parents that pick all-girl schools, just as I and my wife and our girls did for them. That is what they did, and this is what brings them out. It did, at least for them. It made them very confident. Every officer of the class was a girl. Every member of the student council was a girl—the newspaper, the yearbook, all girls. And for them that was a great thing—not for everybody—but for them it was a great thing.

I pointed out in the debate that Prof. Cornelius Riordan of Providence College has studied this, and he has found that girls who were in a single-sex setting do better than boys.

I am just going to repeat that. I know I have already read this to the Senate.

Cornelius Riordan's research confirms earlier research that girls in single-sex schools score a full half grade above their coeducational counterparts on academic ability tests. Girls in single-sex schools outperform girls in coeducational schools almost a full grade level on science testing scores.

I do not know the reason for that. But it seems to me that there are parents out there when they hear of this who might want to say: "I would like to try that for my daughter. I would like to try that for my daughter. I would like to give it a try." And there are parents of sons who would say, "I want to try that for my son." I think that we should let them do that.

The state of affairs, the state of the law now is that if a parent makes that decision, our response is: "Well, so what? We do not care what you think. We do not care what the school district thinks, and we do not care what the parents think. It is not possible to have your child in a single-sex setting even if you are convinced that this is going to work for your kid. Your Congress says no. Your Congress says no. We will not let you do it."

I am not saying we should just take the cork off the bottle. I am just saying that in a limited number of cases we should try it. This is not the repeal of title IX. This is to say we really are concerned about those who now are not doing well, whether they are minorities, whether they are boys or girls. We are really concerned about those who are not doing well. We as a country are not doing a good enough job by them, and we want to at least open up the possibility of trying something else, just in 10 cases, just for 5 years, just try it and study it and see.

I think that if we were to try this in 10 school districts for 5 years, there would be professors of education around this country who would be studying it. There would be all kinds of studies. And then we would have an opportunity to see whether or not it works.

One of the interesting things about the quotes that I read earlier, Mr. President, from the academic community about this is that so many of them said, in effect, we support your amendment because it will give us something to study. It will give us something to study because right now, by and large, there is no single-sex education in public schools. So if you have single-sex education, by and large, it is in private schools, and those schools spend more money per student than public schools.

People can say that is not a fair study; that is not a fair analysis. Even though there are studies that show that, generally speaking, particularly girls, and particularly minorities, who have an opportunity to be in a single-sex setting, do better, the argument could be made, well, that does not mean anything because those are private schools, or those are parochial schools, those are not public schools.

This amendment says let us just try it for public schools and do not do it on a furtive basis. Do not make them go underground. That is what we have now. We have underground schools. We have schools where because of the strength of personality of the mayor of Baltimore who says, "Don't you dare sue my school district," you have an experiment going on, but it is going on on an unapproved basis, not knowing when the shoe will drop or when the Department of Education will speak or when the lawsuit will be filed.

So that is all this is. This is not a wholesale anything. Is it a precedent for something? I think it is just a precedent for trying out one new program. I would not see it of having a precedential value for anything. But I do think that sometimes we can get so bound into the existing legal structure that nothing is possible beyond that legal structure, that there is not any opportunity to move. This is the law. Congress has acted. Congress has spoken. This is it. Then there is no chance to see if there is anything better than the four corners of the statute. This is an opportunity to see that.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I think we should judge this amendment both in terms of this particular piece of legislation, which is focused on trying to enhance educational achievement for children that are particularly disadvantaged, and also we ought to judge it in terms of the most recent history, during which we have found that discrimination in the U.S. education system has not just been related on the basis of race but on gender as well. There have been efforts that obviously have been made by many of us to try and move beyond that period of a continued kind of discrimination.

I want to point out for the record, Mr. President, that there are many innovative programs that are taking place in high schools across the country today in terms of working with different groups over different periods, some which do focus on gender differences.

We have seen, in historical and even in recent times that women have been shortchanged in terms of educational facilities, in educational funding, and in a wide variety of ways. This amendment would suggest that, even though it may only be 10 different school districts, somehow this is really the way, this is really an active option in terms of enhancing opportunities for women.

However, we should be asking if this could lead to separation of men on a larger scale, and eventually in other areas as well. It's easy to say "Well, look we are just starting that with education now." But then that could become "Let us try and see if it works in the area of employment. Let us try if we can get a better opportunity for getting women ahead in terms of some of these jobs, or there may be some opportunity to get men ahead in some of these jobs."

"Let us just say we are going to waive a little bit on the discrimination in the employment." And this could lead to "Maybe we can experiment with single-sex programs in housing, as well as employment and education. Just let women in only certain parts of the house. Maybe this would reduce some of the violence. Or, if not the women, maybe we can find a way to just put the males together in certain kind of housing. Maybe that's the way we can reduce violence."

We must ask ourselves as a society whether we are enhanced by furthering separatism in our society? What about the young women enrolled in single-sex classes, who will later compete for leadership positions with other women and men who have been educated in coeducational environments. Will these women, who have been separated in the classroom, be able to effectively interact and effectively lead in a world in which there is no separation of the genders? How will they be able to interact in the real world when they have not had the opportunity to interact with both genders in the classroom? And if we allow such separatism, what will happen to the ability of men, who have been separated from women in the learning environment, to effectively interact with women in a workforce where women are no longer hidden from view? This has been the problem women have faced throughout their history in this country. Surely there are better ways to improve the confidence and ability of women in the classroom without separating them from the other half of society.

We know what happened in terms of the employment situation over the period of the history of the country; that by and large men have had no difficulty at all in terms of taking and assuming control and command in situations where there are men and women, and what we have seen exist which women have been facing over a long period of time in terms of taking leadership positions in managing men and managing kinds of responsibilities. Is this helping? Is this assisting? Does this kind of experiment really move us in that direction?

Well, Mr. President, I do not really see that. I just do not see it as an intoxicating suggestion that, "Well, we are just looking at 5 or 6 or 10. How can this really be so bad. We are only looking at 10 in terms of employment. We are just going to waive this act for a shorter period of time."

What is going to happen in terms of those teachers, as they start coming up? They are going to need special kinds of training, perhaps, just to deal with the women and just with blacks. How long is it going to take before the next amendment says, "Well, all right, let us separate the blacks out, let us put Asians, let us put the women students, let us put the browns out here. Let us separate all of these people. Let us just try it."

Now we have to also waive for the teachers. Because they are going to be in a different situation, we have to waive those, as well. We have to waive the act for the universities that are going to train those teachers. We are going have to waive those matters, as well, in terms of teacher training.

How do you say no in terms of the development of those situations? People say, why not go that way?

We know what has been happening in the educational system in terms of tracking. We know what has happened in our educational system in terms of pullout, which we have rejected in this legislation.

We say, all right, let us just take those individuals who are in the greatest need of additional kinds of training and let us pull them out of the classroom and put them over here. And

what happened after this period of time? We find out that they have missed more from not being in the classroom at the time when they are being pulled out. Well, that is all right. Maybe if we left them there all the period of time and put them in another situation, that they can develop.

I know that this is well-intentioned. I think all of us who have looked at the extraordinary problems that we are facing in our urban areas, primarily, to some extent in terms of the rural areas, know the incredible kinds of frustrations that parents are facing in terms of the failure of our educational systems.

But, quite frankly, Mr. President, there are increasing examples of schools in the inner cities where the academic achievements are going up, where teachers have been innovative and creative. It is true in my city of Boston, working with blacks and browns and Asians, and getting the kinds of results that are equal to any educational private schools in this country in the public schools.

I can take anyone in this Chamber to those schools. Those teachers in those classrooms give you the difference. They are not prepared to give up. They are not prepared to give up on it. I can bring you to schools in my city of Boston where 40 percent of those children are on AFDC, where they teach eight different languages in those schools, and where there are scores of individuals from all races who want to attend it. They are making some progress. They are making some important progress, and they are creating some hope. And the teachers are challenged.

It seems to me that we have a course that is set to try, which is incorporated in this bill, which is really a reflection of a wide variety of work of Republicans and Democrats alike, with very careful attention. Not that we should not be willing to consider other kinds of ideas. I just do not believe that we are really moving toward enhancing the critical kinds of needs of children who are economically disadvantaged by moving in this direction of waiving some of the most fundamental and basic tenets of our society in terms of separation, rather than inclusion.

So I hope that this amendment would not be accepted. I do not know what the Senator would like to do on this as far as the time.

Mr. DANFORTH. Mr. President, we are working up a modification to try to meet the concerns expressed by Senator GRAHAM. I think in just a few minutes that will be ready. At that time, I will ask for the yeas and nays.

Ms. MOSELEY-BRAUN. Mr. President, I rise today in strong opposition to the Danforth amendment to S. 1513—the Improving America's Schools Act.

I am proud to be a cosponsor of S. 1513. Our Nation must maintain quality public education for everyone—and that is exactly what the Improving America's Schools Act is all about.

S. 1513 would increase educational opportunities for all Americans by raising the authorizations for programs authorized by the Elementary and Secondary Education Act [ESEA] to $12.5 billion while targeting more of these funds to low-income children.

This legislation would also increase educational opportunities for all Americans by authorizing most of the gender equity in education package.

Mr. President, Senators KENNEDY, SIMON, HARKIN, MIKULSKI, and I introduced several bills last year as a cooperative effort to address the widespread gender inequities in our Nation's schools. These bills, which are collectively known as the gender equity in education package, include the Equity in Education Amendments Act, the Women's Educational Equity Restoration Act, the Fairness in Education for Girls and Boys Act, and the Equity in Athletics Disclosure Act.

All four of these bills are important because they will help the Secretary of Education enforce title IX of the Education Amendments of 1972. This law, which prohibits sex discrimination in education, has helped to eliminate many discriminatory policies such as rules that only boys could take shop classes.

Just last week, the Senate recognized the need to improve compliance with title IX by unanimously accepting the last important gender equity initiative, the Equity in Athletics Disclosure Act, as an amendment to S. 1513.

The amendment being offered today by the Senator from Missouri, however, would undermine our efforts to eliminate sex discrimination in our Nation's schools.

The Danforth amendment would authorize the Secretary of Education to support 10 demonstration programs that provide single-sex public education to low-income, educationally disadvantaged students. In order to shield these programs from lawsuits, the Danforth amendment would allow local school districts to waive the civil rights protections in title IX of the Education Amendments of 1972, title VII of the Civil Rights Act of 1964, and all other laws which prohibit sex discrimination.

As I have already stated, I support S. 1513 because I firmly believe that we must focus appropriate attention on the longstanding, adverse conditions that exist in our Nation's low-income communities by increasing the authorization for ESEA programs and by targetting more of these funds to low-income children. While I commend Senator DANFORTH for his focus on these conditions, I oppose any attempt to waive essential civil rights protections for any purpose.

As someone who strongly supports critically important civil rights laws, I am convinced, for several reasons, that his legislative proposal is neither necessary nor appropriate.

Most importantly, I oppose the Danforth amendment because it could create unconstitutional discrimination on the basis of sex by allowing local school districts to waive title IX and other important civil rights statutes.

This amendment would also create a dangerous precedent. If Congress were to waive civil rights laws to test single-sex education, it would encourage other individuals to file for additional waivers from other civil rights statutes.

This amendment also sends the wrong message to our Nation's educators and administrators: That complex educational problems faced by young people in disadvantaged communities can be solved by segregating groups of students from one another. It also raises grave policy concerns about the wisdom of addressing the serious educational and social problems facing our disadvantaged children by returning to the long-discredited practice of segregated schooling.

Mr. President, for all of these reasons, I join the following organizations in opposition to the Danforth amendment: the American Association of University Women; the National Council of La Raza; the American Civil Liberties Union; the Anti-Defamation League; the NAACP; and the National Organization for Women.

Since our efforts to achieve excellence in education will be half-hearted unless gender bias in our schools is eliminated, I would like to conclude my remarks by urging my colleagues to vote against the Danforth amendment.

Mrs. MURRAY. Mr. President, I rise today to urge my colleagues to vote against this amendment. I do appreciate and understand the intent of Senator DANFORTH's amendment which is to find a solution to the continued lack of progress by whole groups of students in our schools. However, I cannot support a waiver of civil rights provisions to do that.

What concerns me most is the precedent Congress would set by waiving our civil rights laws to help researchers. I don't think this is a road we want to start down. Especially given the fact that there are other ways of achieving the Senator's goal of facilitating research regarding single-sex education without waving any of our civil rights laws.

Under current law, single-sex programming is permitted if you can show that such a program would remedy historic discrimination or under representation. Many of our private and parochial schools serving inner-city youth already have single-sex programs that could provide ample information to researchers.

We should certainly pursue that option before taking such a drastic step.

Again, I want to say that I recognize and understand the support for such a study. But, before we waive any civil rights laws to encourage single-sex classrooms, we ought to find out whether our education and social problems can be addressed by segregating our students and whether a waiver of these laws is necessary to do this. I have serious concerns about the wisdom of such a policy.

I urge my colleagues to oppose this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Mr. President, this is an interesting amendment. I have listened to the very excellent dissertation by my friend from Massachusetts and also the long statement of my friend for many, many years from the State of Missouri. I understand the feelings on both sides.

Let me, first of all, just run through again what the amendment does, so argue the amendment on that basis.

This amendment would provide funding for a demonstration project, no more and no less. It is not an attempt to establish or change the existing law in any regard. In my mind, though, the controversy over this amendment shows that we have gone through a very tumultuous time, and I think we have fared well. When title IX was passed, we understood it was important and necessary for us to remove the problems of sex discrimination, to allow our young people, boys and girls, to be able to progress in our society on an equal footing.

We had many issues from the past which were difficult to overcome, yet we have made a great deal of progress. It makes me happy to look out now to colleges and universities and see the support that is given to both men and women's athletics. I read this morning about the women's soccer team from the United States; probably a world champion soccer team. I am sure that has a lot to do with what we have done to remove discrimination for a lot of our young women to be able to participate fully in our athletic programs. I certainly want to see that progress.

At the same time, we do know, especially for young people who may be in disadvantaged situations with difficult home lives and other problems, that there may be problems which are the reverse of what we had originally imagined. Rather than the issue of young women not having access to the same resources and supports as their male counterparts, which was an easy problem to address, we now have a situation where young women are being discouraged, either directly or subliminally, from participating in the educational system on an equal footing with young men, particularly in their efforts to learn some of the subjects on which women have not traditionally focused their attention.

As I understand the Danforth amendment, it will just give the Secretary discretion to award grants for pilot programs with same-gender classes for low-income, educationally disadvantaged students. There is no question, as my good friend from Missouri pointed out, that if you have the money, you still can take advantage of private schools that teach only one gender. Those who are economically disadvantaged do not have that option.

The purpose of the amendment is to determine whether same-gender classes for low-income, educationally disadvantaged students can make a difference in the level of their educational achievement. I think it is wise for us, as we move forward, to look hard at whether our well-intentioned policies may have created inflexible situations which we did not intend when we passed the law. I do not think it ever does any harm to do longitudinal studies on the policies we implement and this amendment provides a perfect opportunity to see whether same-gender classrooms might improve the academic performance of some very disadvantaged youth. The same-gender pilot projects would be completely voluntary and the pilot sites would have to provide same-gender classes for both boys and girls as well as provide coeducational options for any students or parents choosing that option. Also, it would admit students on the basis of a lottery if there were more students who wanted to participate than there were slots to participate in.

The amendment would provide a waiver for these programs under title IX and any other law that prohibits sex discrimination in that regard. The waiver would be limited to the extent the Secretary deems it necessary to allow the development and operation of same-gender classes as proposed by the amendment and to allow the participating pilot programs to be able to hire teachers of a particular gender to teach same-gender classes as proposed by the amendment.

As I understand it, the civil rights community has problems with this amendment because of the waiver. They are concerned that it will set a precedent, that it will have a negative impact on all other civil rights enforcement. In my mind, however, the issue is somewhat different when we talk about boys and girls than if we talk about some other civil rights issue, as I believe there may be legitimate reasons to look at boys and girls differently within the context of education, such as research which shows that they may have different learning styles. The civil rights community should not worry that this amendment will carry over to issues of race, enthnicity, or national origin because we know that is a vastly different situation.

So I feel there is a logical difference between the situation with respect to the sexes, especially when we are talking about young kids, and the situation with respect to other civil rights issues. We have issues of hormonal development and other adolescent issues that make the boys and girls different at that age. Those issues are quite distinct from the issues surrounding racial segregation, which I really do not believe is warranted under any circumstances. I believe that we must work toward total equality among various races with no discrimination whatsoever.

So I believe that we may have something to learn from the amendment proposed by the Senator from Missouri.

I support the Senator's amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I know the distinguished Senator from Vermont is on the floor at the moment and, I must say, he is doing his excellent job.

I understand—perhaps I should ask, what is the parliamentary situation at the moment?

The PRESIDING OFFICER. Amendment No. 2430 offered by the Senator from Missouri is the pending question.

RWANDA

Mr. LEAHY. Mr. President, I do not see someone on the floor seeking recognition, so I am going to proceed for just a very few minutes on another matter. I utilize the Pastore rule. I will, of course, yield the floor when those involved with the amendment come back.

I see the distinguished Senator from Rhode Island, the chairman of the Foreign Relations Committee and chairman of a significant subcommittee of the Labor and Human Resources Committee. The subject I am going to speak about, I think, is probably something that will interest the Senator from Vermont and the Senator from Rhode Island because of their interest in humanitarian concerns.

Mr. President, the Parliamentarian may disagree with my analysis of the Pastore rule but, in any event, I rise to speak about the Rwandan crisis.

When we turn on the television and read the news, we know that Rwandan refugees are continuing to die by the hundreds and thousands. Images of deprivation are overwhelming. I do not think any of us, in our experience, have seen anything like what we are watching there.

They have a cholera epidemic. It has killed over 14,000, 15,000 people, including thousands of children. And we now see dysentery is going to claim thousands more. As many as two-thirds of all the Rwandans have been displaced from their homes. Some are beginning to return. But there is no clear end in sight to the suffering, and those in the camps are suffering from cholera, they are suffering from dysentery, because the thing most needed, clean water, is not available. They are not going to return unless they are given some significant medical help. They are simply going to die there. They are far too weak to try to return.

The international community has stood by while Government forces and paramilitary troops loyal to the Hutu majority slashed and burned their way through entire communities, killing everybody in sight, killing whole families, chopping children to death with machetes.

I commend the French Government for contributing troops to protect defenseless communities, and for trying to bring an end to the fighting. But it was too late to help the hundreds of thousands who have been killed and hundreds of thousands of others who have been displaced. In fact, it is now going to require a tremendous effort just to prevent the death of thousands more refugees.

I do salute President Clinton for taking decisive action to mobilize that effort. The troops, the equipment, the supplies have begun to arrive in Goma, Zaire. It was an honor for me, as chairman of the Foreign Operations Subcommittee, to work with Chairman DAVID OBEY of the House Appropriations Committee. Around 2 o'clock in the morning Friday, we approved an emergency appropriation of $50 million to finance part of that relief effort in an amendment that I offered, with the support of Chairman OBEY.

I talked with the President about this. I encouraged him to request inclusion of this appropriation, on an extraordinary basis, in the report of the conference on the Foreign Operations Appropriations bill for fiscal year 1995. I say extraordinary because neither the House nor the Senate had this matter before them, and we included it on a conference that went to about 4 o'clock Friday morning. We included it about 2 o'clock in the morning with the concurrence of the majority of those in the conference, even though it had not been before either body, it was not in either bill, and even though it required an emergency declaration by the President to take it outside the budget caps.

I salute the Senators and the Congressmen and Congress members of the conference committee for the humanitarian spirit in quickly moving it. In fact, we had items of real insignificance in that conference that took a lot of debate and this took virtually none. The Department of State will receive $30 million of this appropriation to enable them to respond to urgent appeals from the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, as well as to fund the humanitarian efforts of private voluntary organizations that provide, food, water, and shelter for millions of Rwandans.

The Agency for International Development will receive the other $20 million to finance its direct relief effort. It will provide medicine and support medical teams and purchase biomedical supplies, purchase food.

Our assistance is going to save many, many lives, and it could not have been provided by anyone else. However, I would like to sound a note of caution. More and more often the international community is called upon to respond to floods of refugees—Vietnamese, Cambodians, Burmese, Afghans, Armenians, Kurds, Sudanese, Somalis, Rwandans, Haitians. Just ask the question: Who is going to be next?

The magnitude of the world refugee problem has grown to the point where it far surpasses the capacities of the world relief resources. There are far more refugees than we have resources today. I am pleased our foreign aid can help alleviate some of these crises, but I would be infinitely more pleased if we could effectively focus our foreign aid on preventing these from happening in the first place. We will not spend the tiny amounts necessary to stop the crisis from happening, but the world community will come together after the crisis has happened, thousands of people have died, and we have millions of refugees. Then we come forward and say, "Let's do something about it." It will be far better if we help in the first place.

Foreign aid is not a popular item in the budget, and whenever any of us go home, we are always told we should balance the whole U.S. budget, get rid of foreign aid, charity begins at home, and all the rest. The fact of the matter is, we spend far less on foreign aid than most of the first world nations, as part of our gross domestic product, and we are spending less every year. Only a fraction of 1 percent of our budget goes on foreign aid.

It seems, however, that only when you have a crisis of the magnitude of Rwanda or Haiti that many in the Senate warm up to the idea of helping our fellow human beings. In fact, over the past 2 weeks, I have heard more and more the lament of the tragedy in Rwanda, but many who lament the tragedy in Rwanda do not say one word about the fact that we would not do anything to help prevent the tragedy in the first place.

In fact, 2 weeks ago, some of the same Senators who now say how terrible it is, what is happening in Rwanda, voted in favor of an amendment that would have reduced substantially our contribution to the International Development Association and the Global Environment Facility.

The IDA, Mr. President, is the largest institution that we have to help the neediest countries like Rwanda. IDA is working steadily to enable the economies of these countries to grow and to give some opportunity to their people to earn a decent livelihood so they do not become refugees. It is IDA that is coordinating the international effort to eliminate the conditions that produced the Rwandan refugee crisis. And some of the same Senators who voted against IDA voted against the same thing to stop the Rwandan refugee crisis. They say this is of Biblical proportion, this is terrible, something must be done. I will say to those same Senators that they should have joined with those of us who voted to protect that money.

I note, in looking around the Chamber, that every single Senator on the floor now voted to protect the money, knowing that it helps prevent crises. But I would like to see some of the Senators come up here and explain why they voted to cut the money.

The Global Environment Facility is a brand new concept, but we know we are going to have to have enormous international cooperation if we are going to save our planet for our children and our grandchildren. And we have to help.

Now, we can, as some suggest, abandon foreign aid as a continuing program—that might be a very popular thing to say back home—and we could confine our efforts to providing aid in emergencies, disasters like Rwanda that are so urgent and compelling that the logic of a response by the United States is inescapable.

But the number of those disasters is increasing. We cannot mobilize airlifts of supplies to every one of them. So I favor another choice. Instead of abandoning all foreign aid until a crisis happens and trying to pick and choose among the crises, why not work hard to promote sustainable economic development? It is the most effective strategy for forestalling the floods of refugees that we have seen because we raise their living standards. There is an old adage that people with full stomachs rarely go on the warpath. If there are no wars, there is going to be a lot fewer refugees.

So that is why I favor efforts to help people earn better livings and to live in a better environment. IDA, GEF, and USAID are dedicated to doing just that. The Foreign Operations appropriations bill as approved by the House-Senate conference last Friday contains provisions to support them.

So I hope many of my colleagues who opposed these provisions when the bill was on the Senate floor, who said no to the Rwandas of this world, will change their mind because I would say, one, it makes good economic sense and security sense for us to prevent these crises from happening. But I would say one other thing, Mr. President. We are the wealthiest, most powerful Nation on the Earth. We have 5 percent of the population and own close to half the world's resources. I hope Senators realize we have a moral responsibility, a moral responsibility to help those who have so little. No one of us will ever live in the squalor and deprivation we have seen. No one of us ever go hungry except by choice.

We ought to start asking ourselves, ask our consciences if it might make sense, as 38 Senators did, political sense back home, to stand up and vote against help for the poorest of the poor like those in Rwanda. While it might get a nice, rousing cheer at a town meeting back home, they ought to ask themselves what kind of a soul they have, ask is it really exercising their conscience when they have the opportunity to live in a country as powerful and wealthy as ours and with all the privileges they have.

I yield the floor.

Mr. KENNEDY. Mr. President, I ask that the Senator's remarks be printed at the appropriate place in the RECORD, not to interfere with consideration of the bill.

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

Mr. KENNEDY. Mr. President, at the present time, we have had a good discussion of Senator DANFORTH's amendment, and we are in the process of trying to see if there is some common ground in that particular amendment. We have had some conversations off the floor, and those conversations are continuing. We will be reporting back to the floor in a short period of time.

We had planned to move, after the Danforth amendment—and he has indicated to us that we could temporarily set aside his amendment to go on to other amendments. We had hoped to be able to consider the amendment of the Senator from New Hampshire, to whom I had talked earlier in the day. He was prepared at the conclusion of the Danforth amendment to move ahead on an amendment—at least earlier in the day. The amendment focused on addressing or striking the new programs, the add-on programs, which had been included in the legislation.

So, at this point, we want to indicate again to the membership, as we did last week, even though there are a number of amendments that have been listed as potentially to be offered, we are inviting the Members to indicate to Senator JEFFORDS and myself and to Senator PELL exactly which amendments they would like to move forward. We are here. Members have inconvenienced themselves by coming early today to be prepared to get about the work on this measure. We are inviting our colleagues that, if they do have amendments to the floor and debate those amendments and dispose of them one way or another, we will try to work with them to accommodate their concerns.

We have had a good debate on some of the very important issues which we knew the Senate would want to address. On the question of prayer in school, on the formula, and also on the voucher programs, we have had very good and lively debate and discussion. Those were the areas that had been of primary concern to most of the Members.

Senator DANFORTH indicated to us at the end of last week about this amendment which he presented to the Members earlier today in what I think was a very thoughtful presentation. We have responded to that amendment, and it is being reviewed now as to whether there is the possibility of finding common ground. Maybe there is. Maybe there is not. We will report back soon.

But we are here. We are ready to act. We again would invite our colleagues to be here. I know we will go on through the evening this evening, and I know Members will probably have additional plans at that time. So we would certainly urge, as the leaders have urged, that we address these issues during the course of the day so we do not inconvenience our colleagues this evening.

I know it was the intention of the leader to try to see if it was possible to conclude this legislation today. We are ready to address those matters, but we urge our colleagues to come here and indicate to the staff, to Senator JEFFORDS, to myself, and to Senator PELL that they want to address certain matters.

I am authorized by Senator DANFORTH to temporarily set aside his amendment so that the bill would be open to further amendment.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts needs to make a unanimous-consent request.

Mr. KENNEDY. I ask unanimous consent that we temporarily set aside Senator DANFORTH's amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is ordered.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

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Mr. GREGG. Mr. President, I intend to offer an amendment which deals with a subject which is current in the news today and which is of considerable concern to myself, and has been. In fact, I have offered amendments on this matter in the past.

That deals with the recent decision by this administration to go to the United Nations and seek U.N. authorization to invade Haiti. I believe this decision by the administration is inconsistent, first, with the sense-of-the-Senate resolution which was passed by the Senate just recently, on June 29. And it is also inconsistent, in my opinion, with the proper role of the Congress in its relationship to the executive branch under our constitutional structure.

The fact is that this administration has decided to use force against the nation of Haiti. It has gone so far in its decision to assert the use of force as to go to the U. N. Security Council and ask for a resolution. And the terms of that resolution include the language "To use all necessary means to facilitate the departure from Haiti of the military leadership consistent with the Governors Island agreement."

"All necessary means" means military action. Now, under the terms of our Constitution, the right to declare war is reserved to the Congress of the United States. That is article I of the Constitution.

Of course, we have the War Powers Act which has given the President, over the years, and has been interpreted as giving the President, over the years, not a leeway in using force. By even the greatest stretch of imagination this is applicable to the War Powers Act and not set aside the fact that this Congress is being ignored and the people of this country are being ignored by this administration as it pursues the policy of war relative to Haiti.

One must ask when is this administration going to explain to the American people by bringing to this Congress its reasons for pursuing this sort of military force against another government and against another country? There has to be a set of standards met before we pursue military action and put at risk American lives, and those standards include, in my opinion, three elements.

Mr. KENNEDY. Will the Senator yield just for a matter of information and answer a question?

Mr. GREGG. Without yielding the floor, I would be willing to take a question.

Mr. KENNEDY. In terms of trying to keep the membership informed—and obviously this Senator knows the Senator is entitled to speak. I am just trying to, with my colleague, understand what the time issue is which the Senator is thinking about, just so we are able to indicate to Members.

Mr. GREGG. My intention is to speak on this for approximately 15 more minutes. Then I will be offering an amendment on behalf of myself and Senator DOLE. It is also my understanding that Senator DOLE wishes to speak on this, and that there are two other Members on our side who advised me of their interest in speaking on this. So I would presume that this matter would be debated for an hour to hour and a half.

Mr. KENNEDY. That is helpful. I think we are going to debate these measures. Since we are not going to be on, as I understand it, the amendments on education, I imagine there will be Members on our side as well as the other side that may want to address this, if that is the intention of the Senator.

I certainly appreciate the response of the Senator. As he knows, we have been attempting to move this process on education forward. We have been trying to respond to a number of the inquiries that have come from our membership as to what the order of debate and discussion will be. We have attempted to try to keep them informed of that so that we could at least have some orderly process.

I respect the Senator's position. I think the Members will take note of that.

Mr. GREGG. If the chairman is willing to agree to a time agreement, I would be willing to do that assuming that a point of order against my amendment would not be made.

Mr. KENNEDY. Is the amendment you are talking about——

Mr. GREGG. It would be a sense-of-the-Senate amendment on Haiti.

Mr. KENNEDY. I appreciate the willingness to do it. It seems to me that I would want to confer with the chairman of the Foreign Relations Committee and majority leader on that. But I am grateful to the Senator for his willingness, and I hope the majority leader will give him a response on that in a short period of time.

I thank the Senator.

Mr. GREGG. I thank the chairman of the committee.

To return to this discussion which I believe is critical, I believe this discussion must be had because of the actions taken by the administration over the weekend in the Security Council. You cannot have the United States agreeing with the U. N. Security Council on sponsoring an amendment of the U. N. Security Council which essentially calls for war without having the Congress of the United States alter the process and the people of the United States involved in the process.

The great irony here is that rather than come to the American people and explain why we need to take an act of war against Haiti, rather than come to the United States Congress which, under the Constitution, has the obligation to make the decision to begin with and explain why we should undertake an act of war against Haiti, the administration has gone to the United Nations and suggested why it wants to pursue an act of war against Haiti.

I believe very strongly that the first obligation of a President is to obtain the authority to pursue the use of force, and when American lives are going to be put at risk the authority to put those lives at right risk to receive that authority from the Congress of the United States and from the American people; and that therefore this administration has an obligation to come forward and explain why it is that it feels that American lives should be put at risk, and that we should be invading another nation in this hemisphere.

It has not done that. It has not complied with the sense-of-the-Senate resolution that was passed here on June 29 which called on the administration to accomplish that. That Senate resolution specifically asked that this administration come forward and give this Congress a report as to its reasons for feeling that military force is appropriate relative to our relationships with Haiti. And no such report, no such presentation has been made. In fact, this administration has not even made the outreach effort to the American people either through communications through this body or through a general communication to explain effectively what is at risk here that requires putting at risk American lives.

This is, in my opinion, as I mentioned earlier in my colloquy with the Senator from Massachusetts, a three-step test which must be met. I have discussed this before when I offered my resolution earlier this year on June 29. Before our Nation should precipitate the use of military force the first element of that is to determine what type of conflict is involved. Is the conflict resolvable by force or is it a conflict that has an ethnic and religious matrix that is so deep and so complicated that military force is probably not going to have a dramatic impact on adjusting the activities of the parties involved?

Is it resolvable by military force? That is the first test. That needs to be explained to the American people. Arguably I suspect you could say that the Haitian situation is resolvable by military force. Yes. That test can probably be met because clearly American military force, American lives put at risk, could assert our power over that nation in a fairly quick manner. But the second test and the third test cannot be met on the issue of Haiti and have not been explained.

The second test is this: What is the national interest that is so significant that we are willing to put at risk American lives? What is the national interest?

Well, in Haiti we have only heard three representations of national interest being made. The first is that there was an outflow of refugees of such enormity that we needed to take action as a nation to stop the outflow of refugees. The second was that Haiti was a transit point for drugs. The third was that Haiti had a government that was governed by thugs who have usurped the democratically elected government.

Let us go down those three points in order because this administration does not seem to be willing to explain them. Let us at least discuss them.

First, on the issue of refugees, yes, there was an outflow of refugees. But why did that occur? It occurred because of American policy. It was a self-inflicted event. The administration changed our policy on refugees relative to Haiti about 4 weeks ago, and they said, "All right. We will let people from Haiti come to the United States and find political asylum here in a much broader context than we have been willing to do in the past." As a result, that word got out in Haiti, and thousands of people attempted to leave the island.

The administration quickly saw the error of its ways, and said, "Well, we made a mistake in making that representation. We will not accept refugees from Haiti." As a result, that word got back out, and now we see that the refugee situation, the departure of citizens from Haiti, has dropped off dramatically.

So the outflow of refugees was not an event which required military force to correct. It was a political event which was self-inflicted, which required the reinstatement of an intelligent political philosophy or position and we have corrected it as a result of that.

In any event, it would be very hard to justify the use of American military force to stifle the illegal immigration problem from Haiti in the context of the Western Hemisphere, because the Haitian illegal immigrant problem to the United States is basically insignificant compared to the illegal immigration problem we have in some of our other sister States in this hemisphere. The number of illegal immigrants coming out of Haiti this year is less than 20,000. The number coming out of Mexico this year, to date, is somewhere close to 750,000. So if we are going to be invading Haiti for the purposes of stopping illegal immigrants, are we also going to invade other sister states in the hemisphere who create a much more significant problem for us? I do not think so. I do not think we can rationalize the policy on that basis. Maybe that is why the administration has not come forward and made an aggressive attempt to rationalize its policy.

Is it because Haiti is a drug transshipping location that we are going to invade Haiti? Well, I hardly believe that. To the extent there is transshipping of drugs out of Haiti, it is significantly less than many of its sister

islands in the Caribbean, by our own documentation of our own DEA people. I cannot believe that any drug trafficker in his right mind is going to be using Haiti in the near future as a place to transship a large amount of drugs when we have most of our Navy sitting off of its coast, along with our Air Force monitoring all of the activities in and out of the island. So it is fairly absurd to claim that drugs being transshipped would be one of the reasons. But that has been represented by the administration as one of the causes.

The third cause of national interest is the issue of the fact that a group of thugs have taken over the country, and nobody denies that. These people running that nation are thugs and they are criminals. They took it over from a democratically elected government, and that is unfortunate. But the questions become: Is it the cause of America? And is it in our national interest? Is it our purpose to put American lives at risk to put back in power an elected President named Aristide, whose term is only going to be another year or so? One has to seriously question that, because although there are thugs presently running Haiti, Mr. Aristide is not what you would call a very pure individual. He is a gentleman who has stated, for example, that he openly endorses and finds beautiful—to use his own terminology—the practice of necklacing, which is when you put a tire around a person's neck and fill it with gasoline and then light it.

I do not happen to feel—and I suspect many agree with me—that putting American lives at risk to reinstate a gentleman who subscribes to that philosophy of justice is appropriate to American policy, even though he may have been democratically elected at one time. It would be very hard, therefore, to explain to the American soldier, who finds himself or herself in the street of Port-au-Prince, being shot at, whose life is being put at risk, why he or she is there as a matter of national policy. In fact, I do not believe we can explain it. This administration clearly has not explained it. If it had, it would have sent an explanation to this Congress pursuant to the resolution which we asked for, and it would have come to the American people and explained it there also.

So we see that the second test of when you use American military might, American military force, has not been met by this administration. Maybe they can come forward with a national purpose that is justifiable, which will allow those of us who serve in public life to be able to go to the mother, or father, or the wife, or the sister, or brother, or the child of an American service person who loses his or her life in Haiti and say: This is why your husband, or your wife, or your daughter, or your son, gave his or her life. And this was an American purpose.

But as of today, no such purpose has been defined. That test has not been met. And any administration, in good conscience, must meet that test to the American people and to the U.S. Congress before it pursues the use of American force. We do not meet it to the United Nations. We are not a Government of the United Nations, by the United Nations and for the United Nations. As important as the United Nations may be, we are a Government of the people, by the people, and for the people; and this institution represents the elected representatives of the people. And under article I, we have an obligation and a legal right to participate in a decision of such magnitude.

So we come to the third test, and the third test is—if you can meet the first 2, the first being is there a resolvable event by an military force, and second, is it a national security interest, a national interest—the third is, when you get in, how do you get out? You have to be willing to explain that to the American people. Well, nobody has explained that yet to the American people. In fact, the last time we went into Haiti for the purposes of settling the situation down in 1914, I believe it was—because we feared there might be a German incursion in Haiti—the last time we went in for a period of what we thought was going to be 6 months to a year, we ended up being there 19 years. I believe it was from 1915 to 1934: For 19 years we occupied that nation.

Is there an explanation as to when we are going to get out if we go in this time? No. In fact, the U.N. resolution puts some timeframes in here, but they are timeframes in which there is no assertion as to how they are going to be met. If we are going to be in the business of nation-building, or policing Haiti after we have invaded it, it is fairly obvious that we are going to be there for a long time. Will we be involved in a guerrilla warfare? Many say yes. Will we be involved in a civil war? Many say yes. Will American troops become the target for attacks by disgruntled and alienated political organizations within Haiti, who do not wish to see us there? I would presume so.

Much as we found ourselves under attack when we went to Lebanon, much as we found ourselves under attack when we went on a peaceful purpose to Somalia, when you insert yourself into a violent regime and in a violent situation, you have to presume that you are going to take significant casualties. Certainly, over a long period of time, and we would have to be there probably for a long period of time. The point is that there is no explanation of how long we are going to be there or how we are going to get out of there. So, from my standpoint, I do not think the third test has been met, which is the test of a definition of once you get in, how do you get out?

When this matter was taken up at the United Nations, it was voted in the Security Council, and I believe 12 nations voted for it and 2 abstained. It is important to note that one of the nations that abstained is the voting member from the Western Hemisphere was Brazil. I think it is equally important to note that some of our sister nations expressed extreme concern and outright opposition to the concept. But, unfortunately, they did not happen to be on the Security Council so they did not get a vote. Mexico, for example, stated that it rejects the use of force except in the case of a threat to peace and its violation or acts of aggression. They added that Haiti did not fall into that criteria.

Uruguay also said it would not support any military intervention. China, which is obviously a nation of considerable import internationally, although not having any significant influence in this hemisphere on an issue such as this, but a member of the United Nations, also expressed this as representing a dangerous precedent.

(Mr. DORGAN assumed the chair.)

Mr. GREGG. Mr. President, I think most important we should be looking at our Western Hemisphere neighbors for their reaction to the use of American force to invade Haiti.

Generation after generation of citizens, raised in Central America especially, have been taught, because it has been their actual history, that the United States is an aggressor nation, that every so often we decide to take over and invade the various nations in that part of the hemisphere. We do and we have, and sometimes we have had to do so for national security interests, Panama and Grenada being examples. In Grenada we had a large number of American citizens' lives at risk. And Panama was probably the most critical from the standpoint of national security interests, because it is a nation in the Western Hemisphere, for us because of the Canal Zone.

So we have over the years used American force in Honduras. We have used it in Guatemala. We have used it in Mexico. In fact, if you go to Mexico, in Mexico City the shrine you will be most probably often attracted to as their historic site is their fortress from which students leapt to their death while defending the city from American forces.

So there is a history here which goes back over generations, and I do believe we have to be sensitive to that. When we use American force, in some instances we are simply going to have to use it. That is a fact of life. But when we use American force, we have to be able to explain it. We have to be able to explain it not only to our people and to this Congress, but we have to be able to explain it to our neighbors, especially our Central American neighbors when we intend to use it in that region, and

we have not explained it yet. In fact, we hear from innumerable sources in the Caribbean and in Central America that they have deep reservations about the use of American force here. Even Mr. Aristide, the President, for whom this administration claims to be carrying the flag, has said that he would not wish to be put back in position of power through the use of American force.

So, as a practical matter, that would be a serious mistake from a standpoint of dealing with our neighbors in Central America.

The resolution which I intend to offer here reads: "It is the sense of the Senate that the United Nations Security Council resolution 940 of July 31, 1994, does not constitute authorization"—"does not constitute authorization," and those are the operative words—"for the deployment of U.S. Armed Forces under article I of the Constitution of the United States or Public Law 93–148," which is the War Powers Act.

So what this resolution says, and it is a sense of the Senate and, therefore, is not binding law, but I think since the administration deemed our prior sense of the Senate on the issue of Haiti, which was voted out here, I believe, 98 to 0, which said the administration should come here and explain what the purposes are before it proceeds to invade, since it deemed that sense of the Senate as being unnecessary to comply with—I am not sure; I guess I am being a bit optimistic to presume they are going to take this any more seriously—I think it is important for us as a Senate to go on record saying, "Hey, listen, folks, you cannot, under the terms of the Constitution and the War Powers Act, authorize the use of military force by going to the United Nations". The United Nations is not the elected authority of our country. Yes, the President is elected. But under the terms of the Constitution the power to declare war is reserved here under article I. And in order to obtain proper authority to use American military force in a premeditated way, which this clearly is, you need to come to the power of the people. You need to obtain the authority of the people, and you do not obtain the authority of the people of the United States by getting a resolution in the Security Council of the United Nations.

What you get in a resolution of the Security Council of the United Nations is the authority of the United Nations, and as far as I know, there is no one in the United Nations, outside of our own delegation, who has the right to vote for the President of the United States or has the right to vote to have a Representative here in the U.S. Congress. There is no one in the United Nations who is going to have a son or a daughter who is an American service person who is putting his or her life at risk if we invade Haiti.

So it is not the United Nations which is the proper repository of authority for the President of the United States. It is the Congress of the United States which is the repository of authority for the use of military force under our constitutional structure.

So what this sense of the Senate says is what is obvious, I hope, but which has obviously been overlooked, obvious as it may be, by this administration, and that is that the authority to declare war does not reside with the United Nations, that the authority to deploy U.S. Armed Forces resides with the Congress of the United States and the President but most importantly with the people of this country as a democracy.

So, this resolution is an attempt to make it clear that that is the case. Why is that necessary? Well, it is necessary, obviously, because of the actions the administration has taken in going to the United Nations before coming to us. In fact, it is openly flaunting the fact it does not intend to come to the Congress.

I find it a bit difficult to accept that the administration would say, well, even though we have a sense of the Senate that says you should come here and discuss this with us or at least present it to us; even though you have, I think, 100 people in the House of Representatives who signed a letter saying that before any invasion occurs it should come for a specific vote; even though we have the precedents of the gulf war incident where the President went to the United Nations but also came to the Congress for authorization, this administration is saying the heck with it, the heck with the elected body of the people. In fact, it is saying the heck with the people of the United States because we are not going to even explain to them what we are doing or why we are doing it. We are not going to give any reason. We are just going to go ahead and do it. The only people we are going to explain this to is a group of people down at the United Nations.

I do not wish to be perceived as bashing the United Nations here, because I am not trying to. I think the United Nations plays a very significant and important role in the course of world events, and that role becomes more significant and will become more significant as we move into the post-cold-war period.

But the fact is that that does not mean that the role of the United Nations can be allowed to usurp, to exceed, or to in any way replace the role of the Congress of the United States and the role of the people of the United States in relationship to the Presidency and the President's authority to declare war. And that is essentially what this administration appears to be pursuing, a course of action where they are essentially using the United Nations rather than using the United Nations in conjunction with the Congress or after they received the approval of Congress or even go to the United Nations and come to the Congress, for that matter, as happened in the gulf war situation in order to obtain authority to use force. This administration has decided to pursue a course where there is, and appears there is, only one counsel that it is seeking, and that counsel is the counsel of the United Nations, not the counsel of the Congress and not the counsel of the people.

This was, I think, summed up fairly effectively this weekend when the White House Chief of Staff, Mr. Panetta, stated on CNN when asked about invasion: "I think it is sufficient to say soon, and they better get that signal soon."

Well, I presume if the chief of staff for the President is saying an invasion is going to occur soon, it is going to occur soon.

But has there been any representation to this body that that is appropriate action? Has there been any attempt to come forward and meet the criteria of the sense-of-the-Congress resolution that was passed 98 to 0 that asked for approval? No, it did not even ask for approval. All it asked was that the President come to this Congress, come to the Senate, and report the reasons for undertaking the use of military force, and assess what the objectives are, and assess how it intends to get out once we get in. It was not really even a very high bar over which we asked the President to participate in the process. It was just almost an entry-level request.

Yet, we see that the administration was not even willing to meet that request. Instead, the administration went to the U. N. Security Council and opted to try to obtain authority there to pursue military action.

It seems rather incongruous that it would be willing to explain to the U. N. Security Council why an act of war was necessary, but that the administration would not be willing to explain to the Senate of the United States why an act of war is appropriate. And I think the reason is that they cannot make the case to the American people.

You know, the United Nations really does not have that much at risk here. The Americans lives that are at risk are not being voted on at the United Nations. When we, as representatives of our different States, are asked to cast a vote for war or for the use of American force, there is no more serious vote that we are asked to take, because most of us will know personally, in fact, I suspect all of us will know personally, someone from their State, or maybe many, whose lives will be put at risk.

We will have to go back to our friends and our neighbors, and people who put their trust in us to represent

them here, and be able to say to them, "This is why I thought it was so important that your son"—who maybe I went to school with, or maybe my son or daughter knows, or maybe I just have met as a member of some group that I participated in—"that your son's or daughter's life should be put at risk."

That is an exceptional charge which we put before us. Thus, when we are asked to vote on an issue as significant as war or the use of American force, maybe we put a little higher standard on it than happened at the United Nations. I suspect we look at it with a little different perspective. Yes, you might call it myopic, but I think it is a myopia which is appropriate to our role. It is a myopia which says: what is the national interest? What is America's interest? What is worth putting an American's life at risk?"

And I suspect the reason this administration is not willing to come to the floor of this Senate with a proposal, an explanation, a request for the use of American force that is a formal structure, is that they cannot meet that test. They cannot legitimately explain the national interests that lead to an invasion in Haiti. They cannot explain to the American people, and they cannot explain to this Congress in a pervasive way, what it is about the situation in Haiti that makes it so unique and makes it so extraordinary that it requires an invasion through the use of American troops. They can maybe give some reasons, but they cannot defend those reasons in a manner that would be persuasive.

However, they do feel they can explain that to the United Nation. I guess they were, obviously, fairly successful, because they got a 12 to 0 vote.

I would note that in explaining it to the United Nations, members of the Senate staff here asked for a briefing, asked to be provided with copies of what they were shopping around the U.N. Security Council that would generate a call for an invasion, and that it was not made available. In fact, we were refused copies of that information.

So here we have the administration going to the U.N. to get a declaration of war, which has got nothing to do with our Constitution—again, I see nowhere in our Constitution, I do not see it in article 1 anywhere where the United Nations is mentioned as a war-declaring authority of this Nation—going to the United Nations to get the declaration of invasion, with a presentation which it is not even willing to share with the representatives of the Senate, who, legally—not in theory, but who, legally—have the right to participate in the process of the declaration of war.

Now I suppose we are going to hear some artful language about, "Well, this isn't really a war. This is not a declaration of war, and therefore it has happened."

I must say that that, in this instance, would be a great stretch of one's imagination. Because this is not a reaction to an emergency; this is not a situation where we suddenly learn that there was a problem there that had to be corrected quickly. There is no threat to American citizens. Americans citizens who are there are choosing to stay there. And we have heard of no instances of a threat to their lives in an orchestrated manner. There is no national interest of significance or immediate risk, such as a canal.

Rather, what we have here is a premeditated, orchestrated exercise by this administration down the road toward using military force. They have tried to basically create a situation which would generate the emergency through the refugee policies which were a disaster, a self-inflicted event. And they were embarrassed because it was so obviously self-inflicted that it was rejected as not being an emergency at all, but something that had been basically created by the ineptness of the administration in dealing with the situation.

So there is no other context than to describe this as a premeditated, conscious decision to use American military force to enter another country and replace the government of that country. If that is not an act of war, I do not know what an act of war is. I think it would be hard to find a definition of an act of war that did not include the activities that are being pursued by this administration.

So there can be no concept that this is a situation that is created with some immediacy and which requires military action by the President which is legitimate. In many instances the President has a right to use force in an immediate situation where there are threats to American lives or American national interest. But that is not the case here at all. This is a longstanding, long-simmering event where there has been a progression of events, a progression that is so consciously done that there is actually a decision to go to the U. N. Security Council and ask for the authority to pursue the right of invasion, yet there is no decision to come to the Congress and seek the authority to pursue the right of invasion. Of course, we are the proper agency for that.

So, again, I do intend to offer this amendment.

AMENDMENT NO. 2431

(Purpose: To express the sense of the Senate concerning authorization for deployment of U.S. Armed Forces)

Mr. GREGG. Mr. President, I send an amendment to the desk and ask for its immediate consideration. The amendment simply reaffirms what I think must be obvious to the Members of the Senate.

Mr. JEFFORDS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. DOLE, proposes an amendment numbered 2431.

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

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

Mr. JEFFORDS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. JEFFORDS. Reserving the right to object, I understand——

Mr. GREGG. Regular order, Mr. President. I do not believe there has been a unanimous-consent request. To reserve the right to object——

Mr. JEFFORDS. The request is to consider the amendment considered as read. I do not want to waive any of my rights as to a point of order.

The PRESIDING OFFICER. The right of the Senator from Vermont is protected. The Senator from Vermont reserves the right to object to the unanimous-consent request that the amendment be considered as read.

Mr. GREGG. I withdraw my request. Have the clerk continue to read.

The PRESIDING OFFICER. The clerk will report.

The bill clerk continued to read as follows:

At the appropriate place, add the following:

It is the sense of the Senate that United Nations Security Council Resolution 940 of July 31, 1994 does not constitute authorization for the deployment of U.S. Armed Forces under Article I of the Constitution of the United States or pursuant to Public Law 93-148 (the War Powers Act of 1973).

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator KENNEDY.

Mr. KENNEDY. Mr. President, a parliamentary inquiry; is this amendment one of the amendments that was listed on the agreement of last week?

The PRESIDING OFFICER. The Senator from New Hampshire, under a previous unanimous-consent agreement, is authorized to introduce a number of relevant amendments.

Mr. KENNEDY. The parliamentary inquiry is, is this considered to be a relevant amendment that conforms with the agreement of last week?

The PRESIDING OFFICER. Will the Senator withhold while the Chair reviews the amendment?

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. In response to the inquiry of the Senator from Massachusetts, it is the opinion of the Chair that this amendment would not be relevant to the underlying bill.

Mr. KENNEDY. Mr. President, I make a point of order on that issue.

Mr. President, I will withhold.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas, the Senate Republican leader.

Mr. DOLE. Mr. President, I think we have worked out a process here because there is a question of relevancy. You could get a vote by appealing the ruling of the Chair.

We have discussed this with the managers of the bill and also with the principal sponsor, Senator GREGG. As far as this Senator is concerned, what we want to do today is just to indicate—to serve notice on the administration they should come to Congress. It is probably an amendment that would be adopted, I think. I think everybody would vote for it because it is pretty clear cut and does not in any way criticize the administration.

But I would just say, before invading Haiti, the United States has checked in with the U.N. Security Council but I would hope they would also check in with Congress. They have the support of Nigeria, Djibouti, Britain, France, Russia, Argentina, the Czech Republic, New Zealand, Oman, Pakistan, and Spain. But they do not have the support of the American people. International support is fine, but it is no substitute for the support of Congress and the American people.

I do not know what is going on with this administration. They sought and received United Nations authorization to invade Haiti. They fought and opposed every effort for congressional authorization. The outlines of a new "Clinton doctrine" are apparent: Seek the United Nations approval and ignore Congress and the American people.

The United Nations approved a resolution yesterday authorizing the use of all necessary means to oust the Haitian military leadership and restore President Aristide. Some of us have stated our opposition to using American forces for that purpose. Our views are ignored by the administration. The administration has even opposed a factfinding commission—apparently because they have all the facts they need to risk American lives.

Mr. President, there is no emergency in Haiti requiring the dispatch of American troops. It is not Grenada or Panama where a quick response was needed. This is more like Operation Desert Shield—with a deliberate buildup of forces leading to war if one side does not back down.

In 1990, President Bush took a risk. He rolled the dice, came to Congress, and asked us for authorization for United States military action in the Persian Gulf. He could have lost the vote, and faced a very difficult decision. But President Bush gained the support of the American people—through the support of Congress. President Bush's hands were not tied by Congress—his hand was strengthened with bipartisan congressional support.

It is not too late for this administration to reconsider its ill-fated policy toward Haiti. Instead of creating conditions which force Haitians to flee, we could look honestly at Haiti's tragedy. I remain ready to work with this administration of a bipartisan Haiti policy—if they desire.

I commend the Senator from New Hampshire, Senator GREGG, on his amendment. The amendment simply points out the obvious—U.N. authorization is not congressional authorization. Congress has a role to play, and we have not done so.

Let us not set a dangerous precedent and abdicate our war powers to the United Nations. Let us not throw out the Monroe Doctrine, in favor of a new U.N. doctrine. Let us pass the Gregg-Dole amendment, and let us debate whether invading Haiti is in the American national interest.

Mr. President, having said that, I think it is agreeable to the distinguished Senator from New Hampshire that we withdraw the amendment from this bill, and it probably will be reoffered tomorrow when we reach VA-HUD legislation because there was a unanimous-consent agreement and it does bring into question the matter of relevancy, as pointed out by the chairman of the committee.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Republican leader. I myself think we will have a unanimous vote on the resolution, but I appreciate the consideration of the Republican leader, as well as Senator GREGG, and that is to offer this at another more appropriate time. I thank them for their consideration.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. First, I thank the Republican leader for his statement in support of this amendment and his plans to be the primary sponsor, along with myself, of the amendment, and also for his suggestion that we proceed to this amendment tomorrow when we are doing the VA-HUD proposal, which I intend to do, to offer it then.

At this time, I ask unanimous consent to withdraw the amendment.

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

The amendment (No. 2431) was withdrawn.

AMENDMENT NO. 2432

(Purpose: To eliminate new programs)

Mr. GREGG. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. If there is no objection, the pending amendment is set aside, and the clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself, Mrs. KASSEBAUM, Mr. SIMPSON, and Mr. WALLOP, proposes an amendment numbered 2432.

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

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

The amendment is as follows:

On page 474, strike lines 8 and 9, and insert the following:

"(f) FEDERAL EVALUATIONS.—For the purpose of carrying

On page 474, strike lines 14 through 18.

On page 574, beginning with line 15, strike all through page 588, line 14.

On page 635, lines 14 and 15, strike "**AND DEMONSTRATIONS**".

On page 641, beginning with line 11, strike all through page 643, line 12.

On page 655, lines 20 and 21, strike ", of which 10 percent of such 5 percent shall be available to carry out section 2114".

On page 663, beginning with line 23, strike all through page 672, line 17.

On page 698, beginning with line 19, strike all through page 704, line 15.

On page 704, line 16, strike "4" and insert "3".

On page 736, beginning with line 13, strike all through page 738, line 10.

On page 738, beginning with line 16, strike all through page 788, line 6.

On page 788, line 7, strike "**B**" and insert "**A**".

On page 807, line 15, strike "**C**" and insert "**B**".

On page 815, beginning with line 1, strike all through page 832, line 9.

On page 843, lines 20 and 21, strike "From amounts reserved under section 4112(d) for each fiscal year, the" and insert "The".

On page 846, strike lines 1 through 4.

On page 936, strike lines 1 through 21.

On page 937, strike lines 1 and 2, and insert "part.".

On page 946, beginning with line 21, strike all through page 961, line 12.

On page 1004, beginning with line 1, strike all through page 1005, line 9.

On page 1005, beginning with line 11, strike all through page 1035, line 11.

On page 1128, lines 12 and 13, strike "sections 2114 and" and insert "section".

On page 1172, beginning with line 17, strike all through page 1185, line 24.

On page 1234, line 13, insert end quotation marks and a period after the period.

On page 1234, beginning with line 14, strike all through page 1296, line 25.

On page 1358, beginning with line 10, strike all through 1368, line 24.

Mr. JEFFORDS. Reserving the right to object. What amendment is this?

Mr. GREGG. Mr. President, this is the amendment which deletes all the new programs in the bill.

First off, I wish to congratulate the chairman and the ranking member on the committee for producing what is fundamentally a sound bill. The elementary and secondary school education program is an excellent program which has done many positive things for disadvantaged children in our country. I know that from personal experience in New Hampshire. It is also a piece of legislation which has received a considerable amount of funding over the years, as it should have.

However, within this bill, there are a large number of new initiatives, and I guess my concern is that every time we add a new initiative to this bill, much of the core function of the process of this bill is not accomplished. It takes away from getting done what the basic purpose of this bill is. It also takes away, when we add these new programs, the capacity to do other things that are already on the books. Take, for example, 94–142, which is a bill for special education. One of the problems we have—probably I suspect every State has this—is that our school systems are struggling under the weight of the cost of the special education student. We need to care for these students, we need to make sure they get quality mainstreamed education, but under the terms of 94–142, originally the Federal Government was supposed to contribute 40 percent to the education of special-needs children. Today, unfortunately, the Federal Government is only participating to about 6 or 7 percent.

I think and feel very strongly that before we add new programs and fund new programs in other areas of educational activity, which deal especially with elementary school students and secondary school students, that we should, first, fully take care of those programs which we already have on the books. But we cannot do that because what we keep doing in our well-intentioned way as a political body is to say, "Well, we want to add this program, we want to add this program," but the fact is, we already have these programs that we are not fully funding, we forget about that and try to finesse that.

That is a mistake. We are sort of like the kids in the candy store who see all these different things that they want and, sure, it would be nice if we could do all those things, but we cannot. We do not have the resources. Therefore, we need to prioritize. In my mind, proper prioritization requires that we first do what we are supposed to be doing and do it well.

For example, the President, in making his presentation to Congress, suggested that we spend—and I do not have the number right in front of me—but I believe that his suggestion was that we spend about $200 million more than what is actually being spent in this bill for the purposes of chapter 1 programs.

As a result, basically, of the appropriating process, we ended up with $200 million less than what we had expected to spend in this area or what the President suggested we spend in this area. That $200 million has essentially been taken and put into these new programs that have been put on the books. So instead of fully funding at the level that the President requested the needs under chapter 1 and under S. 1513, we have found ourselves funding the new programs. That is a mistake. We should be doing the core programs of ESEA before we undertake the addition of new programs.

There are approximately 21 new programs in the bill. A lot of them are little ones. There is one big one but there are a lot of little its and bits of pieces here and there, ideas that people had and they said, "I have an idea; let's put some authorization with it." They add up to $745 million of new authorization. I really find that hard to accept, first, in a time when we are not fully funding things like 94–142, and when we are running a budget deficit to the significance we are. It is difficult to accept adding $745 million in new programs.

Thus, this amendment eliminates those new programs. As a result of eliminating those new programs, then the Congress will have the right and the ability and be put in the position of making a decision. They will be able to take maybe some of the money being used to fund these new programs and apply it to the present existing programs, and maybe it will just take some of the money and not spend it so that the kids going to school will have a little less debt to pay when they get out of school, as is being passed on to them through our deficit financing we do around here.

Granted, if you run through the list of these programs, many sound well-intentioned. I cannot deny that. But the simple fact is, we do not have the money. When you look at the size of these programs spread over the whole country, you recognize that their impact is going to be marginal at best.

You have a $4 million program, you have a $125,000 program, you have a $5 million program, $15 million program, $5 million model projects and the list goes on and on and on. So it is a little hard to justify, I think, these programs other than to say, "Well, they are nice ideas for the people who are lucky enough to get that little piece of the pie, they are going to be worthwhile." But for most citizens, most students in this country, they are going to have virtually no impact. Whereas if the money was applied to the basic underlying programs, or were it, for example, to be transferred over to 94–142 and take some pressure off the local taxpayers, or were it simply to be used to reduce the deficit, it would have a fairly significant and very positive effect.

So on behalf of myself and a number of Senators, including Senator KASSEBAUM, who is the ranking Republican member, and Senator SIMPSON, I wish to present this amendment which cuts from the bill the new programs which are authorized, 21 of them, totaling $745 million in authorization.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator PELL.

Mr. PELL. Mr. President, the amendment offered by the Senator from New Hampshire would eliminate several new programs that I believe are very important to improving the education of our young people.

For instance, it would strike the Cultural Partnerships for At-Risk Youth. Through this proposed program we seek to bring the rich benefits of the arts, humanities, and museum services to the education of those children most in need. It would be very sad, indeed, if this program were struck.

Through the Library Technology and Assistance Program, we would seek to improve and update our school libraries so that they could offer state-of-the-art technology. We all know the sad state of many of our school libraries in terms of their collections and the outdated technology which they must use. If our children are truly to be first in the world in terms of education, this is one of the areas where we must act.

The Gregg amendment would also strike the Education Infrastructure Program proposed by Senator MOSELEY-BRAUN. For many years I opposed so-called bricks and mortar legislation, but this year the Senator from Illinois made such a compelling argument that I reconsidered my previous stance and supported enactment of this measure. The condition of our schools in community after community is really pretty dreadful. If we expect our children to achieve to their highest potential, we should be very concerned about the safety of the schools they attend. Safety means not only safety from threats of violence but also safety from the danger of inferior facilities.

Mr. President, I understand the Senator's concern that we limit the establishment of new programs in this period of fiscal restraint, and that we focus primarily on those programs already in place. At the same time, I believe that there are new problems that need to be addressed, new concerns that need our attention, and new innovations that warrant our support in building a better education for our children.

It is right that we, the body that collects the money through the taxes, has a right to delineate, to designate how those funds be spent.

I offer this is not micromanagement, this is creative work, properly done by the Congress.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator GREGG.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will not take much time. Of the various

add-on programs, effectively there are only three that are funded. As the Senator from Rhode Island has pointed out, it does provide a very limited amount of resources that actually do not come from education—$100 million to address the absolute collapse, the physical collapse, of some of the schools in urban and in rural communities. That money, as I understand it, comes from both the Department of Energy and the Department of Defense.

Second, there is a very modest program in terms of the charter schools. That has been a part of our education reforms of last year and before, as well as this year—and this is only a $6 million program—to help and assist the development of newer kinds of educational efforts at the local communities.

In my own State of Massachusetts, there are a number of programs that are being developed now with the support of State funding and even some with local funding. So this is to try to at least work in a newer way to see what the possibilities of some of the charter schools would be.

The third is absolutely essential, almost bread and butter kind of involvement, and that is to try to provide some technology, some additional technology in a very modest way to the schools. In many respects many of these schools do not even have a telephone let alone a computer. And if you are looking at the new job opportunities for young people who are graduating from high school, if those young people do not have some familiarity with technology and the computer, they really are starting behind the eight ball. Some schools are moving in this direction, and where they are, they have had a remarkable impact, a positive impact in terms of education. Basically, with this very modest program we are trying to demonstrate that kind of success.

I remember visiting a school in Lawrence, MA, not long ago and talking to one of the teachers at the school, Mrs. Perry, and she was talking about what a difference it made in terms of the young people's interest in education, in all the other kinds of education with the utilization of computers and then talked about teaching another class that did not have those kinds of assets and how really the whole educational experience for that class had actually deteriorated.

So these are modest programs. Those were the only three that were actually funded. Funding for the technology aspect of this program was actually in the President's budget. We want to make sure when we go to the information highway we are not leaving education behind. This is really a very, very small, modest program, but it is a commitment in that area.

For the reasons that I have outlined, plus the importance of the charter schools as well as the basic infrastructure program, I hope this amendment would not be accepted.

Mr. President, we are prepared to vote.

Mr. HATFIELD. Mr. President, I rise in opposition to the Gregg amendment which proposes to strike all new programs from this bill.

To eliminate all new programs from this bill is to put a moratorium on creative, innovative new approaches to education reform and to, in effect, bless the current Federal programs as the sole framework for Federal participation in education.

Mr. President, I am unwilling to do so. I will not confine my State by this approach. Oregon is a place of progressive innovation, in many areas, but particularly in education and job training.

My constituents often come to me with new approaches to strengthening the Federal Government's response to education. From this interaction has grown several successful concepts—educational flexibility, called ed-flex, the regional math/science consortia, the Eighth National Education Goal devoted to parental participation in education, school-to-work refinements, equal access, etc. I am honored to have authored these new programs.

And yes, I have a new program in the bill we are currently considering—its called the Elementary Math and Science Equipment Act. Let me tell you about its history.

I first introduced this legislation in the 102d Congress. The Senate has passed this provision on three different occasions but it has not yet become law—it has been sacrificed in conference for a variety of different reasons. It is now included in this bill and I hope it will become public law.

The premise is simple—we need to attract our youngest students to science. Research tells us that hands on simple equipment such as ph paper and handheld microscopes can make science learning come alive. We know that this kind of equipment can make a difference and my proposal is an effort to put a small amount of Federal funding on the table to help—provided it is matched by the private sector.

I believe this small effort will have a big effect on the numbers of students in the math and science pipeline—the pipeline on which we will draw to interpret modern technology, plug into the new telecommunication superhighway, and generally, to be the man and woman power which will continue to lead this country forward.

Mr. President, I am not a member of the Labor Committee. Sometimes I wish I were. This is the committee which considers a great deal of the human investment legislation which directly impacts on our children. Since I am not, I can only come to the floor and convince my colleagues that certain efforts are worth trying—because they have worked in my State, or in the current case, because they make sense for the Nation and can leverage additional private support.

It would be folly to cut off this type of policymaking—I cannot support a moratorium on innovation at the Federal level. I urge my colleagues to defeat this amendment.

The PRESIDING OFFICER (Mr. PELL). Is there further debate? There being no further debate, the question occurs on agreeing to the amendment No. 2432. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

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

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

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—32

Bennett	Gorton	McCain
Bond	Gramm	McConnell
Brown	Grassley	Nickles
Burns	Gregg	Packwood
Coats	Hatch	Pressler
Cohen	Helms	Roth
Coverdell	Hutchison	Simpson
Craig	Kassebaum	Smith
D'Amato	Kempthorne	Thurmond
Dole	Lott	Warner
Faircloth	Mack	

NAYS—67

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

NOT VOTING—1

Wallop

So the amendment (No. 2432) was rejected.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HARKIN. Madam President, I rise today to offer my strong support for the pending legislation, Improving America's Schools Act. This bill reauthorizes the major Federal programs

that impact our Nation's schoolchildren, including the largest single program—title I.

1994 has been a very productive year for Federal education legislation. Within the space of about 6 weeks this spring, President Clinton signed two important education initiatives into law. Goals 2000: Educate America Act was signed in March and the School to Work Opportunities Act became law in early May. America's children will enter the classroom this fall at about the same time this third vital piece of legislation is enacted.

Goals 2000 and School to Work responded to important concerns about our Nation's educational system. Goals 2000 established the framework for comprehensive, systemic reform of elementary and secondary education. The School to Work Opportunities Act responded to the critical issue of making sure that all of our students are well prepared for the workplace. Goals 2000, School to Work and Improving America's Schools Act are integrally linked. Together, they form the most extensive examination of elementary and secondary education since 1965 when the first Federal elementary and secondary education act was enacted.

While I cannot stress the importance of these earlier bills, I believe they were setting the stage for the bill we are considering today. This bill—Improving America's Schools Act, authorizes the bulk of Federal education programs. Put quite simply, it is where the money is. This legislation authorizes $12.5 billion in spending for our Nation's elementary and secondary school-children.

The bill is quite lengthy so it is impossible to comment on all of its many provisions. I would like to use my time to talk about just some of the important features of this legislation.

The bill reauthorizes the title I compensatory education program for 5 years. It significantly restructures the program to ensure that students targeted by title I will be taught to the same high standards as other students. Report after report has told us about the tremendous need to improve American education so we can effectively compete with other nations. This legislation makes many needed changes aimed at assuring a high quality education for all American students.

The legislation also rewrites the formula for distributing funds under the title I program to make more effective use of these limited Federal funds.

The Federal to State allocation includes a weighting provision to provide additional funds to areas with high numbers or percentages of low-income children. The formula also includes incentive payments for State effort and equity.

On several occasions I have spoken about the need to address inequalities between school districts. A few years ago, I read Jonathan Kozel's book "Savage Inequalities." This book graphically portrayed the huge disparities that exist in our Nation's schools and the impact inadequate funding for schools has on the children.

In this country, property taxes provide a substantial portion of the revenue for elementary and secondary schools. Therefore, the wealth of the community translates in the amount of revenue available for the local school district. So a poor community has fewer tax dollars available for education and often that means substandard facilities, inadequate materials, and insufficient staff.

The system of financing education primarily on the basis of property taxes is inherently unfair and leads to the kinds of funding disparities that are being litigated in several States. As Federal policy makers, we cannot overrule States and local school districts on financing for education. But, we can provide an incentive in Federal education programs for States with a good record of funding equalization within the State.

Likewise, some States place a high priority on education and provide significant resources for elementary and secondary education. Again, as Federal policy makers, we cannot tell States how to spend their money, but we can provide an incentive for States with a high effort in relationship to the per capita income of that State.

These are positive things that the Federal Government can do and I am very pleased that these incentives were added to the title I formula. It's time to replace the rhetoric with action and this formula does that. The Federal Government must send a strong and powerful message that all students are entitled to a high quality education, regardless of where they happen to live.

I would like to commend Senators KENNEDY and PELL for their hard work in crafting a very fair and balanced title I formula. This formula incorporates many different concerns—from the need to do greater targeting of title I funds with the desire to provide positive incentives to redress inequalities and increase State support for education. This formula accomplishes all of those diverse objectives and the chairmen are to be congratulated for their efforts.

I am very pleased that the bills gender equity in education bills sponsored by myself, Senator MIKULSKI, and Senator SIMON have been included in this legislation.

Mr. President, I think most Americans are familiar with the "glass ceiling"—that invisible barrier that often keeps competent and capable women from ascending to top jobs. Many of us are less aware that early in life it isn't the glass ceiling of the corporate suite but the plaster walls of the classroom that keep female students from realizing their potential.

The inclusion of the gender equity in education package will ensure that girls receive a share—an equal share—in the American dream by requiring equal treatment in the classroom.

This situation is very troubling and deserves our immediate attention.

Girls receive less attention from teachers than boys with some studies showing that as many as 80 percent of teachers' questions were directed to boys.

Adolescent girls have less self-esteem than their male counterparts.

Girls and boys enter kindergarten with the same skill levels, however by high school graduation girls receive lower test scores, especially in the areas of math and science.

Girls receive fewer college scholarships than boys.

Textbooks have few female role models.

While most classroom teachers are women, most administrative positions are held by men—72 percent of teachers are women but 27.7 percent of school principals are women and only 4.8 percent of superintendents are women.

S. 1513, also incorporates another bill of mine, the Elementary School Counseling Demonstration Act to establish and expand counseling programs for elementary schools. Elementary school counseling programs focus on prevention and early intervention at a critical time in the development of children.

These programs can make a big difference in the lives of young children. Children today face enormous challenges. Some live with a drug-addicted or alcoholic parent, some are suffering from the trauma of a divorce, some are victims of physical, sexual or mental abuse. And they need our help.

By making contact with a child early on, these students have a better chance of developing the self-esteem and problem-solving skills that will benefit them during their teenage years. This principle has been put into practice in the Des Moines Independent School District with a program called Smoother Sailing. And it works.

Smoother Sailing provides professional counselors to work with students in groups on self-esteem and conflict resolution activities. These professionals are also available to work with students on an individual basis. And it works.

Attendance is up, classroom disruptions are down and test scores have improved since Smoother Sailing began in the Des Moines public schools. I am pleased S. 1513 includes the Elementary School Counseling Demonstration Act.

I would like to use the balance of my time to comment on the implications of the legislation for children with disabilities since I serve as chairman of the Subcommittee on Disability Policy.

Last week, we celebrated the fourth anniversary of the passage of the Americans With Disabilities Act which set forth a national policy which prohibits discrimination on the basis of disability and called for the inclusion, independence, and empowerment of individuals with disabilities.

Further, part B of the Individuals With Disabilities Act extends to all students the right to a free and appropriate public education based on the unique needs of the child.

Improving America's Schools Act is fully consistent with the ADA. In addition, it is also consistent with and complements the spirit of Part B of the Individuals With Disabilities Education Act and section 504 of the Rehabilitation Act of 1973.

To the maximum extent appropriate, children with disabilities must be educated with children who are not disabled. Separate classes, separate schooling, or other removal of children with disabilities from regular educational environments occurs only when the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Although major strides have been made in including students with disabilities in regular education, in far too many schools around the country, separate educational systems have developed with little or no coordination—one system for regular or general education, a separate and distinct system for special education. This isolation and lack of coordination creates artificial barriers to achieving the promises of part B of IDEA, the ADA, and the section 504 of the Rehabilitation Act of 1973.

The bill recognizes that much needed change and lasting school reform will not occur unless teachers are provided with opportunities to learn, study and discuss new strategies for working with students with diverse learning needs, including those with disabilities. Therefore, title II of this legislation enhances professional development opportunities for our Nation's educators. Teachers will be provided training to alleviate the need for special education services and to work with children with disabilities in the regular education setting. It is only through this direct training of regular and special educators in collaborative methods of instruction that the true promises of IDEA and the ADA will be achieved.

This bill will serve as a vehicle for strengthening our overall efforts to meet the needs of all children in the United States and provides one additional effort to have children with disabilities included in the mainstream of educational progress and reform.

Mr. President, I have often spoken about the importance of education—it is vital to the future of our country. The economic health of our Nation and well-being of our children depends on the education of our citizens.

One of our founding fathers, Thomas Jefferson, spoke eloquently about the importance of education for a strong and lasting democracy. He said, "a democratic society depends on an informed and educated citizenry."

Thomas Jefferson's words remind us about that it is in the national interest to have a strong educational system. Improving America's Schools Act will help build the educated citizenry that forms the strong foundation for our Nation. I urge my colleagues to support this legislation.

Mr. ROCKEFELLER. Madam President, I am proud to support the reauthorization of the Elementary and Secondary Education Act and its effort to promote academic excellence for all students and to provide greater flexibility for fundamental school reform and teacher development. Education is vital for our country's future, and this legislation is the followthrough on the guidelines enacted in Goals 2000 earlier this year.

I support this legislation because it will help the educators, communities, and parents of West Virginia take the steps to give our children a better education. Under this bill, West Virginia will receive additional funds to promote high academic standards in basic subjects like math, science, English, and other key subjects. The legislation also will provide greater flexibility to use Federal funding for schoolwide programs so all students achieve high standards set by Goals 2000.

This legislation meets the needs of my State and the rest of the country. As chairman of the recent National Commission on Children, I have learned in vivid terms just how much America's families and children need the tools to improve education. In 1991, the Children's Commission made this point when we released our historic bipartisan report, "Beyond Rhetoric, A New Agenda for American Children and Families." Our report laid out a comprehensive blueprint on how to help children and families. It issued recommendations for action in a wide range of areas, including education.

This bill, the Elementary and Secondary Education Act, is a key step in the roadmap to converting the Commission's recommendations into reality. Our report stressed the need for fundamental school reform, with seven basic recommendations. First, our commission emphasized the importance of a rigorous and challenging academic curriculum. It noted the key role of teachers and endorsed measures to recruit and retain skilled teachers. Our report called for measures to improve the effectiveness of principals and also supported school-based management because we agreed that education reform must be a grassroots and community initiative, rather than imposed by the Federal Government. It called for greater accountability at all levels for quality education and stressed the need for equitable financing across school districts. Also, our report recommended improvement of school environments so children are safe and able to learn.

In addition to these overall recommendations to encourage comprehensive education reform, the Commission thoroughly debated the issue of school choice and endorsed the concept of parental choice among public schools only. The commissioners also called for creative initiatives to help children with severe disabilities as well as students who are disadvantaged and academically have a high risk of educational failure.

This reauthorization bill proposes reforms similar to those suggested by the Children's Commission.

For starters, this bill stresses a rigorous academic curriculum for all students, and it increases the flexibility for schools serving disadvantaged students to achieve such goals by allowing more schools to use title 1 funding for school wide programs.

In my State, the West Virginia Department of Education is seeking this kind of flexibility, to be able to make a real difference. Changes in the funding formula are designed to do more to target Federal dollars to schools serving poor children which is a good start. But it is essential to acknowledge that much work remains to promote equitable financing across school districts.

Another crucial area of change is the new investments and emphasis on professional development for teachers, who truly are the individuals who will deliver change into classrooms and the lives of students. The Senate bill retains a special emphasis on teachers of math and science which is appropriate given the focus on math and science in our national education goals. This reauthorization builds upon the Eisenhower program to promote teacher development covering a broad range of subjects, as a fundamental first step toward tough academic standards.

I also want to note that this legislation continues the work of the Drug-Free Schools and Communities Act, that I was proud to sponsor in 1986. At that time, our goal was to ensure that every student, from kindergarten through high school, was taught about the dangers of drug and alcohol abuse. Since then, I have visited numerous classroom in West Virginia and participated in the DARE Program where local police officers teach children about the dangers of drug abuse. This effort proves how targeted Federal funding can forge important changes in schools, and still allow local leaders to design and develop courses that meet the needs of students. This bill builds on the success of the Drug-Free School

Program to expand it by including violence prevention, a critical issue now. Students deserve to be safe at school—safe from drugs, alcohol, and violence. I wholeheartedly support the expansion.

I also support the provisions to promote the effective use of technology to enhance teaching and learning. As the Senator from West Virginia, I believe the technology can greatly support efforts to strengthen academics, especially for rural areas. My State is already using distance learning to offer advanced courses, like Japanese, calculus and advanced science to students in rural schools. West Virginia also has made a major investment in computers at the elementary school level so children will learn with computers from the beginning of their education and be comfortable with technology that plays an ever increasing role in our modern workplace.

The Elementary and Secondary Education Act is the major Federal program to offer support to local schools and helps disadvantaged students. Thanks to this law, West Virginia receives $61.5 million this year, and under this reauthorization, funding will increase especially for schools serving low-income students. It is a wise investment in our children and the future of our State and country.

I commend Senators KENNEDY and KASSEBAUM for their leadership on this bill. Education is an issue that concerns every child and every individual. It deserves bipartisan leadership and support, which this legislation has thanks to the efforts of the chairman and ranking members of the Senate Committee on Labor and Human Resources. It is real progress.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on amendment 2431.

Mr. KENNEDY. Madam President, that is the Danforth amendment. We have been working with the Senator from Missouri. We are still not quite prepared to have a final resolution of it. I expect that we will in the next 40 minutes or so. So we are prepared to consider other amendments. Even though we have the agreement that was worked out with the leadership last week, we have been trying to ask our colleagues to come here and to talk with Senator JEFFORDS and myself so that we could resolve some of those items.

We have a few items here that we are prepared to address. But I must say, if they are not offered during the course of the early afternoon, then I think we are going to at least try and move toward a third reading at an appropriate time. We have had discussions on Haiti, and we have had discussions on Rwanda during the course of this morning and this afternoon, and we are prepared to address the items which are of interest to the Members.

So I will do the best I can. I know Senator JEFFORDS will, also. We will call Members of our parties who have indicated they may have some amendment, to find out where those amendments are. But at some time in the not-too-distant future, not seeing anybody else here to be recognized, we are going to call for the third reading.

We, again, are asking for our colleagues to notify us. We started off this morning with that and we did the same earlier in the afternoon. Now we are indicating that at the present time.

So I hope that if there are amendments, they will bring them forward. Otherwise, we will have to conclude that the Members do not choose to exercise their earlier indication and call for a vote.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I also urge the Members on my side of the aisle to let me know if they intend to offer their amendments.

It is my understanding that Senator SMITH is ready to go now, and I also know that some other Members have informed me of their desires. Please let us know, and I will try to accommodate you at a time as convenient as possible, providing that we make all due progress on the pending bill.

I would be happy to yield to the Senator from New Hampshire. Is he ready to proceed?

Mr. SMITH. Yes.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? The amendment will be set aside.

AMENDMENT NO. 2433

(Purpose: To prohibit Federal funds for instructional materials, instruction, counseling, or other services on school grounds, from being used for the promotion of homosexuality as a positive lifestyle alternative)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 2433.

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

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

The amendment is as follows:

At the appropriate place, add the following:

SEC. . PROHIBITION AGAINST FUNDS FOR HOMOSEXUAL SUPPORT.

(a) PROHIBITION.—No local educational agency that receives funds under this Act shall implement or carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle alternative.

(b) DEFINITION.—A program or activity, for purposes of this section, inlcudes the distribution of instructional materials, instruction, counseling, or other services on school grounds, or referral of a pupil to an organization that affirms a homosexual lifestyle.

AMENDMENT NO. 2434 TO AMENDMENT NO. 2433

Mr. HELMS. Madam President, I send a second-degree amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2434 to amendment No. 2433.

The amendment is as follows:

Strike all after "SEC.", and insert the following:

PROHIBITION AGAINST FUNDS FOR HOMOSEXUAL SUPPORT.

(a) PROHIBITION.—No local educational agency that receives funds under this Act shall implement of carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle alternative.

(b) DEFINITION.—A program or activity, for purposes of this section, includes the distribution of instructional materials, instruction, counseling, or other services on school grounds, or referral of a pupil to an organization that affirms a homosexual lifestyle.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect one day following the enactment of this Act.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair and ask for the yeas and nays on the Smith amendment.

The PRESIDING OFFICER. The yeas and nays are not in order at this time.

Mr. HELMS. I ask unanimous consent that the yeas and nays be in order.

The PRESIDING OFFICER. The Senator may request the yeas and nays on the second-degree amendment.

Mr. HELMS. All right, then. I ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I speak to the underlying amendment.

I say to my colleagues that I do not intend to take a great deal of time on this, other than to make some points about what we are spending some of the money on or what we might spend some of the money in this bill on.

I think it is imperative that we understand and take a good look at where our dollars, as the taxpayers provide them to us, are being spent.

This is a very simple underlying amendment. It will prohibit any school system receiving funds under the Elementary and Secondary Education Act

from implementing any school program that encourages homosexuality.

Now, this is not—and I repeat not—an unfunded mandate, despite some who may argue that it is. It does not require the schools to do anything. There is no requirement here. It does not require the schools to spend anything.

It merely prevents taxpayer-funded advocacy of the homosexual lifestyle. That is the question here. Should Federal tax dollars in this bill be spent to advocate and encourage the homosexual lifestyle in the curriculae of public schools in this country?

Let me say again, if a public school decides and the parents in that school district decide that this is appropriate in their school system—I cannot imagine why they would—but if they did or they do, fine. You just do not get any Federal dollars. That is the bottom line.

Now, to those who state that this amendment may restrict what schools can do with their money if they accept Federal dollars, that is technically correct. However, the only way to ensure that the taxpayers are protected from districts using commingled funds, funds from their own sources and funds from the Federal Government, the only way to ensure that they are protected from this sort of activity is to do it in this way, is to have this amendment.

What are we talking about? What exactly is it that I am concerned about that I want to call to the attention of my colleagues?

I encourage my colleagues to listen, because there are some materials here that are so obscene that I cannot show them to the public. I cannot display them here and I cannot hold them up. I cannot quote from them, because to put them on the airwaves in any way, shape, or form would be considered obscene. So I will not do that. But I have here at my desk many of these materials, and I hope that my colleagues might want to take a look at them.

This is not a sensationalist amendment. I am not here to sensationalize anything. I am not here to make a statement. I am not here to make a point, other than this. I do not believe that people from the second grade through high school ought to be subjected to these materials. But even if you do believe that they should be, the next question is, should the taxpayers fund it?

In both cases, I believe, first, the taxpayers should not fund it; and, second, second graders on to junior high school and senior high school should not see them, either. But if you think they should, then that is fine. You can work on that in your own school district and see to it that they get in there if you want them. But the taxpayers can, under this legislation, without this amendment, pay for these materials.

I have to tell you, they are graphic and they are obscene. That is not just my definition. I am going to use as much discretion as I can. I am not going to embarrass anybody, but I am going to make these points.

I am going to refer, first of all, to a Washington Times story of Friday, March 18, 1994. The title of that article is entitled "The New York Youth AIDS Forum Leaves Parents Horrified." I am quoting from the article:

> The New York City Youth AIDS conference that impressed AIDS Czar Kristine Gebbie outraged parents with distribution of fliers on anal sex and other homosexual practices to children as young as 12. The February 12 conference at New York University Medical Center was sponsored by the New York Department of Education.

The New York Department of Education. And it featured Ms. Gebbie as its VIP speaker. The material that the Gay Men's Health Crisis gave out to the children depicted risky and dangerous activities. That is what parent Joanne Gough and members of the AIDS advisory council to the New York Board of Education said.

Now, a lady by the name of Mary Cummins, a local school board member from that school district, said that they examined some of the materials distributed, and she was horrified. That is her quote. "I am a grandmother," she said. "I thought I had seen and heard everything." She led the fight against the city's curriculum teaching acceptance of homosexuality. "But when the homosexuals are hitting on kids like this, it becomes my business." That is what she said.

Now, these pamphlets—and I am not going to display them for the cameras, but I have them here—one of them is entitled "Listen Up," and it refers to what is being shown to children in this school system in New York.

But critics say she was told that the conference of peer educators teaching youths about HIV-AIDS would include workshops on subjects such as sex options, eroticizing safer sex, and the wonderful world of latex. That is part of the curriculum. The program identifies the New York Department of Education high school HIV-AIDS resource center as a conference sponsor and as a patron.

That is referred to in the article on the New York school system in the Washington Times story.

As I say, I have the pamphlets here. I would encourage any of my colleagues who might wonder whether this is appropriate for their children to see to come over and view these pamphlets.

Now, a group such as the Sex Information and Education Council of the United States, also known as SIECUS, aimed equally graphic and obscene material at our teenagers. I have here a pamphlet that is entitled "Talk About Sex."

I can hold this one up. It is not too bad on the cover. "Talk About Sex." It is a booklet for young people, it says, on how to talk about sexuality and HIV-AIDS. It is for junior high students. We all know as parents approximately how old a junior high student is.

Let me just outline a few of the subjects in this pamphlet that your children, if they are in this particular school system, would be subjected to. It says: "Ourselves as Sexual Persons," and here are the categories: Androgenous, bisexual, heterosexual, homosexual, transsexual, and transvestite. And it goes into all the definitions, which I will not bore you with. Then they go into some other things about what we can do sexually: Abstinence, anal intercourse, fellatio, cunnilingus, masturbation, outercourse, and sexual intercourse. That is all in there for the junior high kids, with a good definition of each, in case you did not know what it was.

And then they have a cute little thing at the end of their pamphlet that your children are having as part of their curriculum that your tax dollars are funding, they have a few little questions at the end in this little yellow box, "Questions to ask myself," at the end of each chapter.

"Name someone who is gay," it says, "lesbian or bisexual and describe some things you have in common with that person." That is the first question.

"If you believe that you are heterosexual, talk with a close friend about what you think it is like for someone to be gay, lesbian or bisexual in today's society."

And on and on and on. I will not go through anymore. I have that book here, as well, if anyone would be interested.

Now, SIECUS puts out another little pamphlet for the reading pleasure of our youngsters. It is called "Getting Started." I am not going to get into all of it, but I would like you, my colleagues, to hear what this pamphlet is saying about the church; not any particular church, just the church here in America, because you talk about values and you wonder why we have the problems we have in our society today.

This booklet talks about how to get started with sex, various types of sex, then it gets in some editorial comments about the church. Let us hear what this book has to say to your children about the church.

> Another reason is the way our society treats sex. Most of the straight world's ideas about sex can be traced back to religious teachings, and Judeo-Christian religions get uncomfortable around sex. Around 700 B.C., the Hebrew church set up laws that made thirty-six crimes punishable by death, and half of these had to do with sex. The penalty for males found guilty of homosexual acts was death by stoning, the most severe penalty imposed for any crime. There were no laws against lesbianism. Women's sexuality was not taken seriously then, either.
>
> For centuries, the church has said that sex is only okay between married people who want to have children. If people enjoy sex in

any other way—by themselves, with someone of the same sex, or with someone they're not married to—then the church calls them sinners and tries to make them feel bad.

For a while, the church seemed to be losing its grip in our society. But recently, right-wing fundamentalist churches have become more vocal about promoting more so-called traditional values. Some have even started groups that claim they can convert homosexuals into heterosexuals.

It gets worse. Quoting again:

These fundamentalists love to quote passages from the Bible that seem to condemn homosexuality. If you read these passages with an open mind, most of them say no such thing: These Bible thumpers are really only interested in making themselves feel superior by putting you down. In one breath, they tell you the Bible is infallible, and in the next breath, they tell you the devil can quote the scripture for his own end * * *

Don't let these idiots mess with your mind. If these silly, inaccurate claims about what the Bible says are worrying you, read the Bible's story of the love between David and Jonathan. This is the David who slew Goliath and later became King of Israel.

And on and on.

Not all churches are against homosexuality. Gay people even have a church of their own now—the Metropolitan Community Church—and most of the biggest churches have gay groups.

On and on and on.

This is not a college course, where young people may be debating their beliefs on homosexuality. This is junior high school. This is what you subject your children to if you send them to this particular school system.

This is SIECUS. More choice topics, "Doing it; Gay Men." They say, they are going "to show the straight world they are not going to force us to live according to their narrow-minded ideas."

I could go on and read more—and it is worse, some of it—but I will not. I have the book here. Do not believe me. Come over and take a look at it if you are concerned before you vote. And I will ask for a rollcall vote on this amendment at the appropriate time.

Now, Madam President, these groups, unfortunately—I wish I could say it were true—but they do not restrict themselves to educating teenagers. And I used the word "educating" loosely.

For instance, New York City's "Rainbow Curriculum," which was later taken out of the schools, utilized text aimed at 3- to 8-year-olds: "Heather Has Two Mommies," and "Daddy's Roommate." They both portray the homosexual lifestyle as normal: 3- to 8-year-olds, my colleagues. "Heather Has Two Mommies." In your school district, this book can be purchased with taxpayer dollars. You might want to check and find out if it is there. It can be.

Do you want to know what is in that book? I will tell you what is in that book. We will see what it says about Heather.

"Heather has two mommies, two roommates, Momma Jane and Momma Kate."

Nice and cute. Momma Jane has a "No Nukes" sweatshirt on. Then it goes on to say that they were good friends and Kate and Jane wanted to have a baby, so they talked about it for a while. And then we have Heather. Heather comes into the world. And it goes on to promote the lifestyle of two lesbian parents with a small child.

"Mama Kate and Mama Jane both laugh and give Heather a great big hug. Heather gives each of her mommies two big kisses," and on and on and on.

At the end they talk about the author. To be sure, in case you might have missed it as you were reading through the book itself if you were a child, they introduce Leslie Newman. "The author has one mommy and one daddy, one Grandma and two brothers," it says. She has been writing stories and poems ever since she was a little girl. Leslie now lives in North Hampton, MA, with a woman she loves named Mary and two cats, Couscous and Pooney Cat. She is a teacher as well as a writer and this is her first children's book. It probably was not her last, either. That is her first one.

Also available from Alyson Publications—that is the name of the publisher, Alyson Publications—just in case you were not satisfied with that book and you wanted to expose your children a little bit more to some of this stuff. Let us look at some of the other choices you might have. "Between Friends," is one publication. By Gillian Hanscombe, $8: "The 4 women in this book represent radically different political outlooks and sexualities, yet they are tied together by bonds of friendship."

"Crush," another one. That is another title. "It was not easy fitting into an exclusive girls school like Huntington Hill, but in her senior year, Jinx finally felt as if she belonged. Lexie, beautiful, popular Lexie, wanted her for a friend. Jinx knew she had a big crush." And it goes on to discuss that situation.

Another title, "Lesbian Lists" for your children to read.

"The Gay Book of Lists," is another title.

"Rocking the Cradle." Here is the first book that thoroughly looks as topics such as the social and personal implications of lesbian motherhood, the implications of alternative insemination, and the feelings of children growing up with lesbian mothers."

"The Crystal Curtain." And on and on.

"Alyson Publications, Department H-80, 40 Plympton Street, Boston, MA, 02118."

And, after June 30—this is a couple of years old, you might want to write for their current catalog. They have a little spot here so you can fill it in, in case you want to order 400 or 500 for your school district. That is it.

"Heather Has Two Mommies." I have it here if you want to look at it if you do not believe me.

"Daddy's Roommate." Let us look at the other side, daddy's roommate. This is an Alyson publication as well. Same location, same address.

It goes on to talk about the two daddies who live together. And it promotes the homosexuality of these two people. It promotes it: "Sleeping together, shaving together, sometimes they even fight together," it says. "Just like daddy, they both tell me jokes. Frank does, too." On and on. Again, promoting to 3-year-olds, 3-year-olds—this is the little book they want you to read to your 3-year-old. Or if you do not, during reading class in school, make sure the teacher does. "Daddy's Roommate." Taxpayer dollars.

How about some other workbooks that sound the same themes? "A Kid's First Book About Sex." That sounds innocuous enough. You might want to read it, though, because your kids will. "Big words are sometimes used to name people by the sex partners they choose. Even though it is not nice to describe people by labels like these, we put the names with these pictures so you know what they mean when you hear them."

They show heterosexual man and woman, homosexual, lesbian, bisexual. And they have such terms in here: "Explain such terms in here such as straight, bi, and gay. Do you know which shorter name goes with which long name?" it says.

"Some people think that straight people are the only ones who are normal or regular. What do you think?" it says.

It goes on. Again, "A Kid's First Book About Sex."

"The Playbook For Kids About Sex." Do not somebody stand up and challenge me and say SMITH is against sex education. That is not what we are talking about here. Let us see what they have in this book. They have a little work page here:

"Shorter names are sometimes used. They are 'straight,' 'bi,' and 'gay.'"

And then they have a couple of boxes: "Do you know which goes with which? Yes or no? Bi goes with blank, gay goes with blank, straight goes with blank."

Some people think it is wrong for people to be homosexual or bisexual. Some places even have laws against it. Many other people think that anyone should be allowed to have sex with anyone else if both partners want to do it and if they do it in private.

Then it says, "How do you feel about it?"

Of course straight people and gay people do a lot of other things besides have sex. Anyway, some people think that straight people are the only ones who are normal or regular. What do you think?

Then they give a list of things that two people might like to do with each

other who like each other. I will not go into all of that.

Then in this book for youngsters 3 to 8 it says, "on this page"—and it is blank with a little kid daydreaming. "On this page you can write some daydreams about a person or some people you might want to have sex with when you grow up. And if you think this book is just really gross, you can write about that, too, right here on this page." That is what it says.

Many of my colleagues, I suppose, are very upset that this amendment is out here. They will say several schools have already developed programs with the aim of normalizing homosexuality. That is why I am offering the amendment. If people want to go into their school districts, the parents, and working with their local school boards, put these materials in their classrooms and expose their children to this, that is their privilege. It is still America.

The question is, do we have to fund it with taxpayers' dollars when the overwhelming majority of the American people would be opposed? I find it amazing, serving in the U.S. Senate, taking the time to read some of these bills and some of these materials. This is in no way a reflection on either of the managers of this bill. But the implications of the programs and the dollars that we spend—it is incredible. The American people do not know, I am sure—I did not know it until a few months ago—that taxpayer dollars in this bill could fund this material. I did not know that. I would not have believed it. In fact, when I was told it did, I spent several weeks doing research because I did not believe it.

Believe it. Believe it.

When you send dollars to a school district that has these materials, we are paying for it. You can say no, no, no, we have other sources of income so we are buying it out of that money.

Come on, we all know how that works. You have a little bit over here, a little bit over here, but if you do not have it over here you cannot spend it over here.

I would like to read a couple of excerpts from a paper written by Bob Knight, Cultural Studies Director for the Family Research Council.

A sex education curriculum created by Planned Parenthood of Northern New England, which received $479,510 in Federal funds in fiscal year 1990 under title X grants from the U.S. Department of Health and Human Services includes, in this paragraph in the introduction to the "Same Sex Relationships" section of the curriculum, "Relationships with members of the same sex are not only rewarding but contribute to our development of our sense of who we are."

"Relationships with members of the same sex are not only rewarding but contribute to our development of our sense of who we are."

This is the curriculum:

In general, our society does not consider homosexuality acceptable. It is as normal as heterosexuality.

In Los Angeles, Project Ten, a public school sex education program for homosexuals, is based on the Kinsey finding that 10 percent of the population is exclusively homosexual, as well as the assumption that sexual taboos are based on superstition.

In a June 5 letter to the Los Angeles Times, Project Ten founder, Virginia Uribe defends homosexuality and criticizes the Boy Scouts of America's Judeo-Christian belief system as being "based on myth and ignorance, rather than good science."

We are paying for it. I hope you like it.

The Sex Information and Education Council of the United States [SIECUS]—I already mentioned it before—a sex education center at New York University is supported by the U.S. Department of Health and Human Services, which gave $99,341 in grant money to the center in fiscal year 1989. One of the founding members of SIECUS was Ward Elby Palmaroy, coauthor of this male sexuality study. SIECUS endorses the concept of child sexuality, et cetera. And then a 1985 SIECUS report says:

Homosexuality is an essential quality of humanness and that its expression is the right of every human being.

The question is: Do we really want our youngsters subjected to that? Would it not be better to let them decide that at some point later in life? Do we want to educate them to it just to make sure they have a good shot at becoming lesbian or homosexual? I suppose that is the rationale.

I would like to share with my colleagues a series of memoranda from the superintendent of the Los Angeles Unified School District. The title on the stationery is "Gay and Lesbian Education Commission." These memoranda today are from 1992, 1993, and 1994, and they are announcing the annual "Gay-Lesbian Pride Month."

Madam President, I ask unanimous consent that those materials relating to the item I just mentioned be printed in the RECORD.

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

LOS ANGELES UNIFIED SCHOOL DISTRICT, GAY AND LESBIAN EDUCATION COMMISSION,

Los Angeles, CA, April 20, 1994.

DEAR FRIENDS: This coming June we're looking forward to our third annual Gay & Lesbian Pride Month. Many people ask why we've chosen June for Gay & Lesbian Pride Month. The answer dates back to the Stonewall riots which began June 27, 1969. These riots became the symbol of the Gay Liberation Movement and June became the month to celebrate equal rights and respect for Gays & Lesbians. (For detailed information, please see the handout on Stonewall.) Thus, June has become the month that we have dedicated to teach respect for Gays and Lesbians and to develop students who appreciate the diversity of humankind. This will help to provide a school environment that is free of harassment of Gay & Lesbian youth and encourage them to finish high school and continue their higher education. Following are the suggested activities for Gay & Lesbian Pride Month:

1. Display: Using the colorful handouts enclosed, choose a central display case to post the information about the Gay & Lesbian community, its symbols, various organizations and resources. An additional display may be done in the media center.

2. Bulletins: Daily facts and information about famous Gays & Lesbians, well-known contemporary Gays & Lesbians, facts about Gays & Lesbians, resources for Gays & Lesbians can be put in the daily bulletins.

3. Assemblies: If you'd like to plan an assembly at your school, please contact Kathy Gill at (213) 625-6392. We have videos, (see below), college students from USC's Shout and other poets and artists who will help with the assemblies.

Available videos: 1. LAUSD's 1st Annual Gay, Lesbian & Bisexual Youth Conference" 2. Leticia Quezada addresses the Issue of Gay & Lesbian Rights." (available in English & Spanish)

4. Lessons: The information on Famous Gays and Lesbians in History & Well-known contemporary Gays, Lesbians & Bisexuals may be duplicated and used in History classes. The latest scientific research on the possible correlates for a genetic and biological basis for sexual orientation may be duplicated and used in health and science classes.

Please feel free to call if you have any questions.

Sincerely,

KATHY J. GILL,
Director, GLEC.

LOS ANGELES UNIFIED SCHOOL DISTRICT, GAY AND LESBIAN EDUCATION COMMISSION,

Los Angeles, CA, May 20, 1993.

DEAR COLLEAGUES, The enclosed materials have been assembled by the Los Angeles Unified School Gay and Lesbian Education Commission to assist middle and senior high schools in planning activities for "Gay and Lesbian Pride Month" in June. I have included posters, resources, lessons and materials I hope you find useful. Don't hesitate to call the various organizations listed on the resource list. They are all trained to give staff inservices, assemblies and workshops.

Since the Gay and Lesbian Education Commission is not funded with a full time director, we are unable to assist with activities during the school day. However, if there are any questions you might have, please call the commission office and leave a message. I will return your call ASAP.

For your information, all of the materials included in this packet were donated by the various organizations listed on the handout. The materials, envelopes and letterhead were bought at no cost to the Los Angeles Unified School District whatsoever.

With Pride,

LAURA A. HALE,
Director.

P.S. Your efforts on behalf of the Gay and Lesbian students, staff, and parents at your school will be appreciated more than you will ever know. Since we have been an often "invisible" group of individuals, many people don't think they know anyone gay or lesbian. Believe me, you do!

LOS ANGELES UNIFIED SCHOOL DISTRICT, OFFICE OF INSTRUCTION,

May 29, 1992.

SUBJECT: Gay and lesbian pride month.

On May 18, 1992, the Board of Education passed a resolution recognizing June of each

year as Gay and Lesbian Pride Month. The resolution is based on District policy contained in the "Educating for Diversity" document, which states as a District goal the development of "students who appreciate and respect diversity and understand the roles and contribution of people of diverse groups." The document calls upon the District to include in the curriculum the historical and current role and treatment of homosexuals in society, "the contributions of gay and lesbian people in history and culture, and the current status of homosexuals as it relates to social policy, family diversity and human relations."

The approved Board of Education resolution states:

Whereas, in June of 1969 in the Greenwich Village section of New York City a routine raid on a gay and lesbian bar called the Stonewall Inn was for the first time resisted by the peacefully assembled gay and lesbian patrons;

Whereas, This resistance led to several days of uprising by the gay and lesbian population of New York City who demanded equal rights and an end to police harassment of their establishments; and

Whereas, this event now called the Stonewall Rebellion, is widely viewed as the beginning of the modern gay and lesbian movement and is the reason why the month of June has come to be a time to celebrate the accomplishments of gay and lesbian people through parades, marches, commemorations, cultural programs, and other means; therefore, be it

Resolved, That the Board of Education of the City of Los Angeles recognize June of each year as Gay and Lesbian Pride Month and encourage schools and offices to find appropriate ways to fulfill the mandate of this resolution and of the policy document "Educating for Diversity."

For assistance call Bernadine Lyles, Advisor, Multicultural Unit, at (213) 625-6791, or Laura Hale, acting director of the Gay and Lesbian Education Commission, at (213) 351-7311.

Approved: Sidney A. Thompson, Deputy Superintendent.

Distribution: All School and Offices.

LOS ANGELES UNIFIED SCHOOL DISTRICT, DIVISION OF INSTRUCTION,

May 9, 1994.

SUBJECT: Gay and Lesbian Pride Month.

On May 18, 1992, the Board of Education passed a resolution recognizing June of each year as Gay and Lesbian Pride Month. The resolution is based on District policy contained in the "Educating for Diversity" document, which states as a District goal the development of "students who appreciate and respect diversity and understand the roles and contribution of people of diverse groups." The document calls upon the District to include in the curriculum the historical and current role and treatment of homosexuals in society, "the contributions of gay and lesbian people in history and culture, and the current status of homosexuals as it relates to social policy, family diversity and human relations."

The approved Board of Education resolution states:

Whereas, In June of 1969 in the Greenwich Village section of New York City a routine raid on a gay bar called the Stonewall Inn was for the first time resisted by the peacefully assembled gay and lesbian patrons:

Whereas, This resistance led to several days of uprising by the gay and lesbian population of New York City who demanded equal rights and an end to police harassment of their establishments; and

Whereas, This event now called the Stonewall Rebellion, is widely viewed as the beginning of the modern gay and lesbian movement and is the reason why the month of June has come to be a time to celebrate the accomplishments of gay and lesbian people through parades, marches, commemorations, cultural programs, and other means; therefore, be it

Resolved That the Board of Education of the City of Los Angeles recognize June of each year, as Gay and Lesbian Pride Month and encourage schools and offices to find appropriate ways to fulfill the mandate of this resolution and of the policy document "Educating for Diversity."

For assistance call Kathy Gill, Director, Gay and Lesbian Education Commission, at (213 625-6392.

Approved: Dr. Ruben Zacarias, Deputy Superintendent.

Distribution: All Schools and Offices.

Mr. SMITH. Madam President, just a brief mention of some items.

"Display"—this is part of this letter:

Display using colorful handouts enclosed, choose essential display case to post the information about the gay and lesbian community, its symbols, its various organizations, its resources and an additional display may be done in the media center.

Bulletins: Daily facts and information about lesbians and homosexuals.

Assemblies: If you'd like to plan an assembly at your school, please contact Kathy Gill * * * We have videos * * *

Et cetera.

Lessons: The information on famous gays and lesbians in history and well-known contemporary gays, lesbians and bisexuals may be duplicated and used in history classes.

Let us make sure we get it all. Let us not miss anything.

Madam President, I know some of my colleagues—I include myself—when we are not working here and not in our States, have some type of living accommodation in Fairfax County, VA. For them, as it was for me, this next piece might be of particular interest. It was written by Carter Thomas who is a concerned parent in Fairfax County who is currently active in the fight against the Fairfax County Family Life Education Program.

I ask unanimous consent that a copy of his letter be printed in the RECORD.

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

Let me take a moment to document what has transpired with regard to the "Face to Face with HIV" program. My experiences come from research with the Fairfax County School Board, the Fairfax County Family Life Education (FLE) Program (specifically Mr. Jerry Newberry), and personal contact with the program at Lake Braddock High School. I can only assume that similar occurrences are happening at the ten other Fairfax County High Schools participating in this program.

I found out about the program through the Lake Braddock High School student newspaper. My daughter is a sophomore and will be subject to the program next year. Since I was not informed by the school in a timely fashion, I missed the evening presentation. I didn't feel I had enough information to make an intelligent decision as to whether or not to "opt out" my child, so I started investigating the program.

As I understand it the Fairfax County School Board voted to accept this program in July of 1992. The individual schools were to determine the worth of the program and decide by October of 1992 whether or not to schedule the program. One would have thought that the individual communities and/or the PTA's would have been queried about this sensitive social issue. At Lake Braddock, however, a unilateral decision was made by the school staff to schedule the program. In all fairness to Lake Braddock's current principal, Dr. Dorminy, I must say that he was not a part of this unilateral decision.

Further, the School Board did not authorize the expenditure of public school funds to pay for the program. It is generally thought that the intent of the School Board was to have the PTA's fund it for their individual schools. This would have accomplished a very good thing. It would have brought the PTA's into the decision making process. Once again, this did not occur at Lake Braddock High School. The Lake Braddock PTA president and secretary were not aware of this program nor did they fund it.

I have been assured by Dr. Dorminy, Lake Braddock's new principal, that no "allocated" funds went into this program. Although I'm still not sure where the money came from since the PTA didn't fund it, I did find out the program cost $1,200.00 Maybe a small sum, but my seventh grade son had to share a computer every other day because Lake Braddock is woefully short of computers. At least one and maybe two computers could have been purchased with this $1,200.00.

My main concern with this program can be posed in a one word question. Why? I followed the normal "chain of command" starting with Lake Braddock High School. I had some basic questions I needed answered in order to make an intelligent decision about whether or not to "opt out" my children. My basic questions were as follows. Who are the participants from Northern Virginia Aids Ministry (NOVAM) and what are their backgrounds and qualifications? What is and where can I find the Program of Instruction (POI)? What is the objective of this program and has a cost benefit analysis been conducted? Mrs. Ewing, the FLE coordinator at Lake Braddock could answer none of the questions, but she attempted to explain the objective. When I called the School Board Office, the representative had no information but she recommended I call Mr. Jerry Newberry. Next I contacted Mr. Newberry, at the Lacy Instructional Center, who is charged with administering the FLE Program. Mr. Newberry told me that there was no POI, no cost benefit analysis has been conducted, and that he wasn't sure who would be the instructors but that they had received a day and a half of platform instruction training. I finally had to contact Penny Lane at NOVAM, the contractor.

My wife and I visited Lake Braddock over a two day period and viewed more than five different presentations of "Face to Face with HIV" by NOVAM. Since it is doubtful that any School Board Member of Fairfax County FLE Coordinator has attended these presentations, let me offer this report for your information.

One of my questions was answered immediately. Penny Lane opened the class by saying that all of the kids in the class had all of the information on AIDS, but "that information is not enough, if you aren't changing

your lifestyle." The very objective of the course is behavior modification! I reject this premise. Our school's purpose is to educate, not modify behavior. I like Thomas Sowell's definition of education. He says, "the purpose of education is to give the student intellectual tools to analyze, whether verbally or numerically, and to reach conclusions based on logic and evidence." If you don't like this definition, look it up in the dictionary. All definitions refer to information, analysis, and reaching conclusions. None refer to behavior modification.

We learned about the background of the instructors first hand. Some were recovering drug addicts, others were homosexuals, still others had been prostitutes. All had violated numerous state and federal felony statutes to include use of illegal drugs, prostitution, sodomy, and larceny.

There was no POI developed. The School Board should have issued broad guidance to the Lacy Instructional Center who in turn should have developed a POI. This POI should have, as a minimum, defined the parameters of the discussion and mandated a moderator from the individual schools concerned. The school FLE coordinators know the particulars of their individual schools far better than does Penny Lane from NOVAM.

Lastly, there was no cost benefit analysis done. Frankly, I can't imagine reallocating funds from any proven educational program to a program with the sole objective of modifying behavior on a very sensitive social issue without an analysis that would indicate a high probability of success. But what is success? Are we successful if we modify behavior? Or are we successful if we educate?

You have the background, I will now very briefly list some of the objectionable points we observed.

There was no FLE trained school faculty involvement. In fact, there was no faculty involvement at all. When one Lake Braddock teacher asked a very good question and attempted to bring out an important point, Penny Lane mentioned that the discussion was for students only. That allowed her to completely guide all discussion.

Penny Lane spoke repeatedly about anal and vaginal intercourse and oral sex. She never mentioned the word abstinence in my presence, however she did repeatedly stress the use of latex condoms.

One speaker used profanity on several occasions. Do we now allow teachers to use profanity? Of course not. Guest instructors should be held to our same high standards.

Another said that HIV had its benefits for her. She said, "I probably would have been dead from an overdose or on the streets of DC by now if I had not tested positive."

Two other speakers told of twenty years of continuous crime. Both said they had never done anything wrong! One continued and said he didn't feel he deserved to have contracted the HIV virus. What they meant was that they had never been caught and put in jail. In fact, not one of the speakers ever said that their behavior had been illegal. Not one speaker ever admitted doing wrong.

One homosexual blamed his problems on his parents and their religion.

Penny Lane told the students to contact NOVAM if they had questions or problems. She never mentioned that they should go to their parents, trusted relative, doctor, or clergy.

At no time was there a general disclaimer given. These speakers have their own opinions but they are not experts on anything we want our children to know. The environment and the school lend them credibility. It is a dangerous thing to give a non-expert credibility and put him on the platform as an "instructor" to adolescents. One speaker said she had no health insurance so the hospital sent her "out on the street to die!" She said, "The system was against me." The message obviously was that the system was the problem, when in reality her illegal, high risk behavior was the problem.

In conclusion, I would ask the School Board to reconsider the program "Face to Face with HIV." The school system, Lake Braddock High School, and very likely the other schools in the county that have used this program have abrogated their authority to NOVAM. Do we want our educational institutions attempting to modify behavior? If so, I ask that you go about it the way our country intended to modify behavior, through a system of laws and public and family involvement. At the very least, NOVAM should be told that each presenter must admit that he or she violated a law and that he or she was wrong. The students need to know that a high risk behavior is not only dangerous but it is also wrong and illegal.

This program is inappropriate as it is currently being conducted and of questionable benefit. Our schools should concentrate on education and leave behavior modification where it belongs, with the legislators and parents.

Mr. SMITH. Madam President, he goes on, and I am not going to read the letter, it is part of the RECORD. I just want to note a couple of things in it. He indicates in here that he found out about this program through a high school student newspaper. He did not know it was part of his daughter's curriculum.

His daughter was a sophomore and was going to be subjected to this program. "Since he was not informed," he said, "in a timely fashion, he missed the evening presentation." He goes on to say the Fairfax County Board voted for this in July 1992.

* * * the school board did not authorize the expenditure of public school funds to pay for the program. It is generally thought that the intent of the school board was to have the PTA's fund it for their individual schools.

Anyway, he goes on to talk about what the program is.

One speaker in this particular assembly used profanity on several occasions, even though they do not allow the teachers to use it. Another said that HIV had its benefits for her. Two other speakers told of 20 years of continuous crime. Both said they had never done anything wrong. One homosexual blamed his problems on his parents and their religion. This was one of the speakers. This is Fairfax County, VA.

I will enter that for the RECORD. My colleagues may read that.

Again, is this really what we want our kids exposed to in the public school systems? We wonder why so many parents who can afford it take their children out of public schools. And then I also wonder why so many of my friends to the left do not want to support vouchers to allow poor people, underprivileged people to take their kids out of there, too, so they do not have to be subjected to this.

I ask each of my colleagues to please listen: How would you respond if your 12-year-old, or worse, your 6-year-old brought home some of the materials that I have at my desk? I have not seen a line over here to look at it, but I hope before the vote that they will.

I remember as a 6- or 12-year-old, if I brought home something like that, I would be punished for it. And I can assure you I did not get it from my teacher or from my curriculum.

We can and we must protect the taxpayers by keeping this kind of trash out of our schools, and that is exactly what it is. It is trash.

I expect to be challenged. I welcome the challenge.

I see my friend and colleague from Minnesota, and I am about to yield the floor, I say to him, but the question, whenever we bring these kinds of things up, the question always comes: Somebody is trying to practice their morality or tell somebody else how to think, what to do, what to do with their lives, telling them what to do with their sex lives. That is the furthest thing from the truth. That is not the purpose of being here.

The question is: Should the taxpayers, the U.S. taxpayers, without any vote on this, be funding these kinds of programs? I do not think they should, and we are going to have a vote on it.

Let me make it very clear, so there is no misunderstanding, a vote against, whether it is on the Helms second-degree amendment or my underlying amendment, whichever the case may be—and we do not need two votes, one or the other—a vote against that amendment is a vote to say, yes, it is OK, it is OK to expose my kids or anybody's kids to these kinds of materials from the ages of 3 years old through high school. Advocating, promoting the homosexual lifestyle in the schools with materials that are so graphic, in some cases, and so disgusting, that I cannot display them on the floor of the U.S. Senate, but you can look at them in your kid's classroom, if you think that is right, then the vote for you is no on Helms and Smith; the vote is no. It is very easy. If you think it is wrong, then you will have an opportunity to say so.

Madam President, I think I have made my point. I have one parliamentary inquiry before I yield the floor. I assume the yeas and nays have been ordered on the Helms second-degree amendment, which means that it is not necessary for me to ask for a similar yeas and nays at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. SMITH. At this point, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, the Senator from New Hampshire, my friend, said he assumed that there would be a challenge to this amendment and there would be debate on the floor, and he is correct about that.

I hope before Senators vote on this amendment, they will read the language very carefully.

No local educational agency that receives funds under this act shall implement or carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle alternative.

Definition of program or activity:

A program or activity, for purposes of this section, includes the distribution of instructional materials, instruction, counseling, or other services on school grounds, or referral of a pupil to an organization that affirms a homosexual lifestyle.

My colleague from New Hampshire knows this. I think a lot of him. We do not always agree, but we are friends. But I really think the effect—so I am not talking about him in personal terms, but the effect of this, Madam President, is very mean spirited.

Counseling. I was a teacher for 20 years. Gay youth are two or three times more likely to attempt suicide than heterosexual young people. You have a young person, Madam President, gay person, confused about his or her sexuality, not only confused but despondent, depressed, ashamed, thinking of himself or herself as maybe less than fully human—sometimes I think we talk about gay and lesbian people on the floor of the Senate as if they are less than fully human—often thrown out in the streets by their families and all too often driven to drugs and alcohol to numb the pain. You mean to tell me that we would pass an amendment in this Chamber that would say if that young man or that young woman, confused, despondent, depressed, contemplating suicide, was to go to a counselor in our school system, there could be no counseling to save that young person's life? That is what this amendment says.

(Mr. FEINGOLD assumed the chair.)

Mr. WELLSTONE. Mr. President, let me just repeat this one more time because there are all sorts of other issues on which I could focus, but I just want to focus on this one issue.

Definition. A program or activity, for the purposes of this section, includes the distribution of instructional materials, instruction, counseling * * *.

Mr. President, you have a young person, young man or woman, thinking of themselves as worthless—and believe you me, it happens—confused about their sexuality, taunted, no support at home—and the statistics bear this out in terms of the suicide rate, I say to my colleague—and this young man or woman seeks counseling in our school system, and we are saying through this amendment we cannot counsel that young person to try to save a life?

I say in this Chamber a life is a life. All people are worthy, all people should be treated with dignity, all people have self-worth. And just because that young person is gay or lesbian does not mean that young person is not to be supported through counseling or that our school system should face a cutoff of funds for providing that counseling support. So I hope that Senators will reject this amendment.

If Senators want to vote for an alternative, which I think gets at a concern all of us have, then why do we not vote on an amendment which says that none of the funds of this act shall be used to produce or distribute materials or programs directed at youth that are directed to promote or encourage directly sexual activity, whether homosexual or heterosexual.

We are interested in programs that deal with drug abuse, that prevent unwanted pregnancy, that reduce suicide, that reduce the transmission of sexually transmitted diseases; we want to make sure that happens. But we do not want to see materials distributed that promote sexual activity. I am all for that amendment. I know that the Senator from Vermont is. Senators will have a chance to vote on that amendment.

But I say to my colleagues, please, look at the language of this amendment. Please do not vote for an amendment that would deny funds to schools for providing counseling support to young gay people. We cannot do that. We just simply cannot do that because that is not what the Senate is about.

The PRESIDING OFFICER. Who seeks recognition?

Mr. JEFFORDS. Mr. President, I call for the vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question occurs on amendment 2434.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

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

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Regular order, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment?

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

Mr. HELMS. Regular order.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

The Senate is in a quorum call.

Mr. HELMS. Mr. President, the regular order under the rules—and I ask this of the Parliamentarian for counsel—my call for the regular order would have been the Danforth amendment to be the pending business; is that correct?

The PRESIDING OFFICER. The Senate is in a quorum call at this moment.

Mr. HELMS. I ask unanimous consent that further proceedings of the quorum call be dispensed with.

The PRESIDING OFFICER. Is there an objection?

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. We will get no more business done today then, if that is the way things are going to be done.

The bill clerk continued with the call of 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. Mr. President, obviously I offered my second-degree amendment to the Smith amendment to be helpful to the Senator from New Hampshire. They are identical except for the addition of a few words.

But I take exception to the misrepresentation of what the Smith amendment proposes—and, therefore, what the second-degree amendment offered by me proposes—by the distinguished Senator from Minnesota. I do not know what he taught in college, high school, or anywhere else for that matter. But this amendment is perfectly clear, and an effort is being made to persuade Senators that it means something different from what it says.

I listened carefully to every syllable uttered by the distinguished Senator from New Hampshire, and I think it is perfectly clear what he was talking about. But just for the record, for the legislative history, let me ask him a few questions. If he will follow me along in the text of his amendment and my second-degree amendment, and he can confirm the accuracy of my remarks.

Does it read in both his amendment and my second-degree amendment as follows: "(b), Definition: A program or activity?"

Mr. SMITH. That is correct. Program or activity.

Mr. HELMS. "* * * for the purposes of this section;" right?

Mr. SMITH. That is correct.

Mr. HELMS. "* * * includes the distribution of instructional materials, instruction, counseling"—so far, am I reading it correctly?

Mr. SMITH. Word for word.

Mr. HELMS. "* * * or other services on school grounds;" right?

Mr. SMITH. Correct.

Mr. HELMS. "* * * or referral of a pupil to an organization"—then comes

the closing clause covering all of the above, as the saying goes: "* * * that affirms a homosexual lifestyle."

So when the Senator drafted his amendment—and I used the identical language for the second-degree amendment—he did propose prohibiting counseling which is helpful to any student who is thinking about suicide, or who is ashamed, or whatever it was that the Senator from Minnesota talked about; is that correct?

Mr. SMITH. I say to the Senator from North Carolina that there is a distinct difference between the term "suicide" and "homosexuality" as defined by my amendment.

Mr. HELMS. But the Senator is not talking about prohibiting counseling for any purpose that is helpful?

Mr. SMITH. The Senator is correct.

Mr. HELMS. But you are talking about prohibiting counseling that affirms a homosexual lifestyle?

Mr. SMITH. That is the exact intent of the language.

Mr. HELMS. All right.

The Senator from Minnesota hypothesized that a student would be saying to a counselor: "Oh, I am going to pieces. I am thinking about suicide. I am gay." I am this and that and the other and "I am just so depressed and upset."

What would that counselor do under the Senator's amendment? Would he say: "Sit down, son," or "young lady," "and let us talk about it"?

Mr. SMITH. That is exactly correct.

Mr. HELMS. However, the Senator is proposing that that counselor not be authorized by this or any other act to affirm or encourage or otherwise affirm a homosexual lifestyle? That is the point of the amendment regarding counseling, right; the instruction, right; the distribution of instructional materials, right?

Mr. SMITH. The Senator is correct.

Mr. HELMS. If they affirm a homosexual lifestyle, any one or all of the above, this amendment would prohibit that; is that correct?

Mr. SMITH. That is correct. The Senator is correct.

Mr. HELMS. All right. I thank the Senator.

Mr. President, it is all right to be defeated on an amendment, or a bill, in this Senate if the pretext for the vote is fair, even if it is a pretext. But it is a little unusual to have all sorts of little machinations going on, little winks and nods where a provision has been taken out of a piece of legislation even though that provision has been approved overwhelmingly by the Senate and approved overwhelmingly by the House.

But that is what has been happening lately. The managers of the bill, House and Senate, get together, and they wink and nod, and they throw the approved amendment away and put in something innocuous and toothless to replace it.

Those kinds of shenanigans rubbed me the wrong way recently, and I confess that they did, and I had something to say on the Senate floor about it. If it continues, I am going to continue to see if I cannot find roadblocks, legislatively, here or there because that kind of subterfuge is no way to legislate. It is not fair, and it does not honorably represent the will of the House or the Senate.

Yes, I am talking about school prayer. Had it not been for such a wink and a nod right at the conclusion of the conferees' session on the Goals 2000 bill, it would now be the law of the land that schools could not prohibit voluntary, constitutionally protected prayer.

Senator PACKWOOD, standing right here with his back to the podium, by the way, said to me last week, "What does constitutionally protected prayer mean?" And I did not want to embarrass the Senator because I could have said truthfully, it means exactly what it did the day you recommended that I modify my amendment back on February 3 to include it, after he conferred with the distinguished Senator from Massachusetts, of course.

Mr. President, I did not think it added anything to the amendment. I did not think it hurt anything. So I did add the phrase "constitutionally protected" to my amendment, and I added it by modification. Whereupon, the Senator from Massachusetts voted for the amendment, as did the Senator from Oregon [Mr. PACKWOOD].

But later on came that wink and the nod in conference. I will get over this. I have a granddaughter who is 9 years old, and when there is a little dispute in the family, she says, "Get over it," and "I will get over it," I say to Katie Stuart.

But I do not like this kind of legislating behind the scenes. I have never played hanky-panky with Senate protocol, and I have been chairman of a committee and I have sat on many conference committees, but I have never, never done that to a colleague, and I never will.

Now, Mr. President, I am perfectly willing to go to a vote on my amendment provided the distinguished Senator from New Hampshire is willing and provided he has nothing further to say. But if he has something to say, I hope he will say it and I wish he would invite Senator KENNEDY to come over and look at that material, and I wish he would invite Senator JEFFORDS to come over and look at that material, and I wish he would invite the Senator from Minnesota to come over and look at the material—which is disgusting and obscene. That is the kind of material that has been laid out before schoolchildren many, many times every day in this country, with the use of Government funds. Is that not correct, I ask the Senator from New Hampshire.

Mr. SMITH. That is correct.

Mr. HELMS. Why does not the Senator deliver the last part of our sermon one more time? We may find a convert somewhere sitting on this floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will just respond to a few of the remarks of my colleague from North Carolina.

The Senator from New Hampshire was on the floor at the beginning of my remarks when I made it clear—and this is certainly true that he and I are good friends and I meant nothing personally, he knows that. But I felt that the effects of those, which were exactly my words, would be mean spirited.

Let me one more time just simply say when you have Government threats of taking away funding and you include as a program instruction counseling, I would even say instruction, you do not know if you are dealing with a book or a novel or a poem or literary character, and teachers have no way of knowing whether or not someone is going to argue that somehow they are affirming a homosexual lifestyle.

Above and beyond that, I simply say to my colleagues understand the effect of this. The effect of this is you have a young person who comes in—I will repeat it one more time—confused about their sexuality, all too often feeling worthless, depressed. Unfortunately, the statistics are there for us to see. There are two to three times the rate of suicide for young, gay people. They come to a counselor, and you have language like this? What does it mean "affirm?" The effect of this is going to be a position where that counselor cannot really even support this young person. You cannot have language like "affirm." We are essentially saying exactly what I said we are going to say, and that is why this alternative amendment, which makes all the sense in the world where we simply say nothing in this act shall be used to produce or distribute materials or programs directed at youth that are designed to promote or encourage directly sex activities, whether heterosexual or homosexual.

I think we agree on that. I am sorry. I say to the Senator from North Carolina I think there is just a profound misunderstanding about what the effect of this would be. The effect of this amendment would be cruel. The effect of this amendment would be that counselors in our school system would feel that they were not in a position to counsel and support young, desperate people for fear that that would be interpreted as affirming homosexuality.

That is what is so profoundly wrong about this amendment. That is why we have to vote against this amendment, and that is why colleagues should vote up or down on the alternative amendment which does precisely what I think

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there is a broad consensus in the body to do, which is to make sure that materials are not distributed that promote sexual activities. We are not after who these people are. We are talking about the sexual activity.

So I think it is quite clear what is at stake here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just make some brief, general comments and outline very briefly about how I see the current situation, and then hopefully we can move toward some resolution.

First of all, Mr. President, I oppose this amendment which seeks to undermine the most fundamental principle of this legislation—that States and local communities are responsible and accountable for designing programs and curricula to improve the educational outcomes of their students.

Funds authorized under ESEA are intended to promote and encourage one thing only—locally defined activities that are designed to further the education goals.

It has always been the role of LEA's to design programs that meet the needs of their communities. And no two communities in this Nation are alike.

The proposed amendment would take this local decisionmaking authority away from local communities, and prohibit them from considering a range of services that may have local support in order to protect the health, safety, and educational success of their students.

It is the parents, community leaders, school administrators, and teachers who know what students need in their community. At the time we are empowering schools to pursue effective local school reform strategies—this amendment would demand regulation at the Federal level regarding support services for gay youth and comprehensive health education.

This bill is not about sexuality, sex education, or sexual orientation. It is about helping students—all students—prosper in school and grow up ready and able to join society as productive citizens.

That is the fundamental task of our schools. Educators and administrators need flexibility to meet this great challenge.

It is clear that young people today face serious challenges and need the guidance of caring adults to help them make responsible choices. The facts speak for themselves.

Earlier this year the administration released the annual survey of drug use among adolescents, which shows that illegal drug use continues to rise among high school students. Today, 1 in 5 eighth graders are abusing inhalants such as glues or aerosols, which can cause longlasting and devastating side effects.

We know from the Centers for Disease Control that more than half of high school students are sexually active. Each year more than 1 million teenagers become pregnant, and nearly 3 million adolescents contract a sexually transmitted disease. More than 75,000 adolescents have already been diagnosed with AIDS. More than 1 in 5 of those who have already died was probably infected as a teenager.

And mental health problems, such as depression and attempted suicide continue to plague our young people.

While there is nothing in this act that would require local communities to deal with these issues, many believe they cannot put their heads in the sand and prevent these tragedies from not occurring. These realities affect the abilities of youth to concentrate, learn, and succeed in school. As local school districts—in consultation and cooperation with parents—seek to respond, we should not tie their hands and remove the tools they feel are needed in order to get their job done.

Congress should not tell teachers, parents, school administrators, and LEA's what they may or may not teach—what they may or may not offer as a support service—to prepare their students for achievement and productive adulthood. This amendment would remove the local discretion that is the hallmark of our educational system. That is why the National PTA has written in opposition to this proposal, stating:

> Conservatives and liberals alike in our organization believe in the concept of local decision-making and the involvement of parents and other community members in the development of sexuality programs. These are not decisions that Senators should be making for 45 million children. These are decisions that parents should be making at the local level, and we oppose any and all attempts to curtail the rights of parents to decide what is best for their children.

This sentiment was shared by the National Association of School Boards of Education and the National School Boards Association. They have written to vigorously oppose any attempts by the Federal Government to restrict schools' ability to shape their own programs to improve student health.

We have seen this type of amendment before, and I am sure that we will see it again. During previous consideration, the Senate has repeatedly acknowledged that it is not the role of government to directly promote sexual activity of any sort. And that is still the case.

However, we have also acknowledged that it is the role and the responsibility of government to provide accurate information and support services to prevent the tragic consequences of public health concerns such as HIV, substance abuse, and suicide.

It is the essence of this legislation to support the educational improvement strategies of State education agencies and local education agencies to meet the needs of children they must educate—and we should not be distracted from that critically important purpose.

It is the right and responsibility of parents and local educators to determine strategies they deem appropriate to protect and educate their children. If these solutions include a plan to target support services to troubled adolescents—as a means of reducing their drop out rate addressed in the second education goal—then communities must be allowed to use them.

But the proposed amendment would have us believe that Congress knows better. It imposes one view, one opinion on all the States and communities of this country—in effect, telling them they cannot be trusted to determine what their students need or can receive.

The alternative amendment I have offered along with Senator JEFFORDS, Senator Williams, and others is intended to strike a balance—one that has been consistently supported and adopted since it was originally offered by Senator HATCH and myself.

Our alternative would prohibit States and local communities from developing materials and programs that promote or encourage sexual activity. It acknowledges that this is not the role of Government. However, it leaves in place the ability to State and local education agencies to decide, if they so choose that this is their role, to target support for high-risk use and seek to prevent substance abuse, violence, suicide, school termination, or other serious problems.

There is nothing in this bill that compels local education agencies to provide such programs. And there is nothing in our amendment that encourages local communities to develop such programs.

Our amendment will assure that the Federal funds are not used to promote or encourage sexual activity of any kind. But it will also maintain the local community control over the content of materials, and perhaps that is the hallmark of American education.

I would urge my colleagues to support our alternative that, in turn, supports local communities struggling to design programs that meet the needs of their young people.

Mr. President, just so that we have some idea of where we are, from a parliamentary point of view, I would hope that we would have a vote on the Smith and Helms amendment. There is an indication that would be an up or down vote.

I hope, since we have temporarily set aside the Danforth amendment, that we would have comments from Senator DANFORTH on that amendment, which we debated earlier. I know that one or two Senators have indicated they wanted to speak briefly on that measure, and then I would hope that we

would be able to have a rollcall vote on the amendment, which I have outlined very briefly in this presentation, which effectively would include the concepts which I have stated.

It would say:

None of the funds appropriated under this act shall be used to develop materials or programs directed at youth that are designed to directly promote or encourage sexual activity, whether homosexual or heterosexual.

That would effectively be it.

So that would be our hope. I understand that that does not necessarily mean that we will follow that path, but it would appear to me that that would give those that have differing views an opportunity to have their views addressed by the Members here.

We would have a resolution of the Danforth amendment, which I believe will require a vote. And then we will move on to the other matters which the Senate will address.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I do not intend to unnecessarily prolong the debate.

I do want to respond to a couple of points that have been made here. Obviously, if we were to vote for the proposal of the Senator from Massachusetts, we essentially are looking the other way and not dealing with the issue that I have presented here.

I have the materials. Senator HELMS suggested that I ask Members of the Senate to come over and review them. I have done that. I will repeat again the invitation to have my colleagues review the materials before the vote. They speak for themselves.

This amendment that the Senator from Massachusetts is proposing is not going to stop this sort of thing. The funds are still going to be there for this type of information being dispersed in the schools. I think it is wrong. That is the point I am trying to make.

I would say to the Senator from Minnesota, to seize upon the word "counseling" and to extract from that word, based on the tone, the overall purpose of my amendment and say that that means one could not counsel a young man or woman against suicide is really, really reaching well, well beyond the bounds of my amendment.

Since I am the author of that amendment, I think I can certainly speak to what the intent of the amendment is. We are talking about counseling to affirm homosexual lifestyle. That is the type of counseling we are referring to. We are not referring to emergency counseling regarding someone who may be contemplating suicide or anything else that is unrelated to the issue as I have here defined it.

Again, I want to repeat, when we talk about counseling, I will tell you what counseling means. Under my definition, counseling would mean passing out a brochure like this called "Listen Up," which I will not open and read.

We talk about poor choice of words. The Senator from Minnesota selects "counseling" as a poor choice of words—I suggest the Senator read this pamphlet and read some of the language in here. I thought I had heard every word that would be called profanity, but I must confess I might have learned a couple of new ones looking through this. This is now for junior high school kids, kids who are trying to make some determination about their own lives, their own futures. To have this kind material—that is counseling. That is the kind of counseling I am referring to.

Or this kind of book here, "Daddy's Roommate." That is the kind of counseling I am referring to. Passing out materials like that and passing out materials like this one, which I cannot hold up, which is filthy and disgusting. It has no place in any public school system at any age level, let alone the age level we are talking about. That is the issue.

I just want to cover a couple of points that I neglected to mention. This is interesting, I would say to the Senator from North Carolina. In this book which promotes this homosexuality and uses the terms—it is obvious, as you read it, these are not used in any tasteful way. They are using words that one would generally consider as slang and profanity in almost a disgusting way, not in an educational way. That is the point.

At the end of this book, in appreciation it lists all of those who are responsible for this book. They obviously want to take credit. But a couple of States have been referred to here. New York was one. "The young people at our pilot sites"—I will read the States, the pilot sites for this book. It looks innocuous, "Talk About Sex," until you start reading it and you find out what they are talking about and what kind of sex they are talking about. "These young people at our pilot sites in New York, Nebraska, Alaska, Vermont, Minnesota, and Louisiana," they are saying they appreciate it "for sharing their ideas, their thoughts, and their lives in order to make this project possible."

Talk about counseling; that is the kind of counseling I am talking about. I am not talking about some young man or woman walking in, threatening suicide. I think just the implication—I respect the Senator; he knows that; I do not take it personally—but just the implication I would even suggest in any type of legislation before this body that an individual should not be counseled for suicide is an insult. I take it as such. It is not what I meant. It is not what I intend. And it is not what the amendment does. It does not matter what I intended; it is what the amendment says. The amendment says very clearly this is the kind of counseling we are talking about.

Finally, in response to the Senator from Massachusetts talking about funding: Look, there are plenty of examples of this kind of funding going on, promoting homosexuality in our schools. That is the bottom line here. Let us not complicate this issue. Do you want homosexuality and the lifestyle of it, not some definition about what it is—I am talking about the promotion, the affirmation of a homosexual lifestyle with the crudest, most vulgar language that anybody could possibly create—do you want that taught from the third grade? I take; that back—from 3-year-olds all the way up to junior high school. If you do, then vote "no" on the Helms-Smith amendment. It is simple.

If you do not, and you would like to see some restrictions put in here, all you have to do is vote for the amendment and here is what will happen. The world is not going to come to an end. Everything is not going to stop. I will tell you what is going to happen.

When those people line up in those school systems in Louisiana and Minnesota and Nebraska and all the other places where this stuff is going on, when they line up for those dollars, you are going to have to simply say, "We will not use these materials." That is pretty innocuous, is it not? We are just not going to teach your kids this kind of garbage. If they say that, they can have all the money on the list. That is all there is to it.

What is wrong with that? We wonder why we have the problems we have in society today. That is why. Because we do not have the guts in the U.S. Senate to stand up and say with our votes this is wrong. Some of us stand up and say it is wrong. Some of us do not. Some of us with good intentions look for an excuse to obfuscate this issue, to dilute it so it will render it ineffective. That is exactly what the alternative that the Senator from Massachusetts, with respect, is offering. It just obfuscates it. It means it is a nothing amendment and does not accomplish what I want to accomplish, what needs to be accomplished, what I believe the overwhelming majority of the American people would like to see accomplished—which is that this kind of garbage promoting this lifestyle in direct opposition to the church—we talk about church and State.

How many times has the Senator from North Carolina heard on the floor of this Senate challenge after challenge after challenge to him on prayer in schools or prayer in graduations? But we do not have any problem with somebody taking on the church—taking on the church in the public school. That is OK. Taking it right on, any church. Just take it right on and run it down. Run it right into the ground and say the reason there are problems in

society and the reason you cannot do what you want to do is because of the church: Christianity, Judaism. That is what it says in these materials. That is OK.

But, Lord help us, let us not have anybody bow their heads in a silent prayer in the morning before school or say, "God take care of my family and my classmates and my teachers for the rest of the day." Oh, no. Boy, the world will definitely come to an end. The Founding Fathers, they just never intended anything like that, did they? But let this filth come into our classrooms, that is fine. And you wonder what is wrong with America? You wonder what is wrong with America.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just before concluding, I want to read into the RECORD from the letter from the National School Health Education Coalition. It is a coalition of over 70 health and education organizations and agencies, State and local coalitions and other youth-serving groups. I ask unanimous consent to have the complete letter and a letter from the National PTA, dated February 2, 1994, printed in the RECORD at this point.

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

NATIONAL SCHOOL HEALTH EDUCATION COALITION,
Washington, DC, February 3, 1994.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN KENNEDY: The National School Health Education Coalition (NaSHEC) is a coalition of over seventy health and education organizations and agencies, state and local coalitions, and other youth-serving groups. Our members are committed to ensuring that all children and youth receive quality comprehensive health education as a cornerstone of a comprehensive health program which includes health services. NaSHEC urges defeat of any effort to limit the use of federal funding for school-based health centers or services, or for education or counseling for gay youths. It is our understanding that amendments regarding these issues may be offered during upcoming consideration of proposals to improve education.

NaSHEC supports family life and sexuality education as an integral component of a quality comprehensive health education program and strongly favors encouraging abstinence without those efforts. We believe that quality comprehensive health education programs and sexuality education involve a broad-base of community representatives in making decisions about a program's content. Historically, Congress has provided direction about populations, special needs, and types of educational and health services, but has left local school districts the flexibility to implement requirements within their communities. This freedom must continue to be upheld.

Local school administrators should continue to be given the freedom and flexibility to tailor comprehensive health education, including sex education programs, to the needs of their community. Thank you for your consideration.

Sincerely,

PAT COOPER,
Executive Director.

NASHEC, INC. MEMBERSHIP—1993

NATIONAL

American Academy of Family Physicians.
American Academy of Ophthalmology.
American Academy of Pediatrics.
American Association of School Administrators.
American Cancer Society.
American College Health Association.
American Foundation of Vision Awareness.
American Health Foundation.
American Heart Association.
American Lung Association.
American Optometric Association.
American School Health Association.
Association for the Advancement of Health Education.
Association of Junior Leagues International, Inc.
Association of State and Territorial Directors of Public Health Education.
Association of State and Territorial Health Officials.
Center for Population Options.
The Chickering Group.
Comprehensive Health Education Foundation.
Council of Chief State School Officers.
Education Development Center.
ETA Sigma Gamma.
ETR Associates.
Harvard School Health Education Project.
March of Dimes Birth Defects Foundation.
Metropolitan Life Foundation.
National Association of Elementary School Principals.
National Association of School Nurses, Inc.
National Association of State Boards of Education.
National Center for Health Education.
National Education Association, Health Information Network.
National School Boards Association.
National Scoliosis Foundation, Inc.
Sex Information and Education Council for the United States.
Society of State Directors of Health, Physical Education and Recreation.
Society for Public Health Education, Inc.

FEDERAL LIAISON

Adolescent Pregnancy Program, Department of Health and Human Services.
Center for Substance Abuse Prevention.
Division of Adolescent and School Health/CDC.
Division of Cancer Prevention and Control/CDC.

THE NATIONAL PTA,
February 2, 1994.

Hon. EDWARD M. KENNEDY,
Chair, Senate Labor and Human Resources Committee, Senate Russell Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The National PTA supports S. 1150, Goals 2000: Educate America Act, and applauds the Committee's efforts in providing local initiatives for school reform. Indeed, top-down reform, much of which has been evident in the last decade, does not work. In a scientific poll taken by the National PTA and commissioned by Chrysler Motors, we found out that only approximately 5 percent of America's parents know about the National Goals. Is it any wonder that reform is taking so long when the grassroots have not been involved in any meaningful way in educational restructuring.

Goals 2000 attempts to correct those top-down requirements by including parents and the community in educational change. With the addition of the parental involvement goal, S. 1118 as proposed by Senator Mark Hatfield, and part of the Committee's list of recommendations to be added to Goals 2000, the very people—parents and the community—that will ultimately make the program successful are urged to be included. The one thing that makes S. 1150 so appealing to the National PTA is the understanding that one size of instructional program or service does not fit all 14,000 plus school districts, each with their differing needs and value systems. Redesigning new schools is much different than redesigning refrigerators or snazzy cars. It requires the ownership of the key stakeholders, the clients who ultimately will use the product and the policymakers who will be required to support the efforts.

Just as the National PTA would oppose mandated academic standards or assessments or curriculum, we similarly oppose any restrictions on the instructional program offered in local schools. We therefore oppose any amendments to Goals 2000 that would prohibit funds to be used in materials, curriculum or programs that addresses the difficult issues of sexuality as they are faced by local communities. Certainly, we agree that Congress should not be in the business of funding material that is designed simply to promote or encourage sexual activity of any nature, homosexual or heterosexual. However, discussion about program content and services need to be made in cooperation with parents, schools and other organizations at the local level. It is the obligation of the state to set minimum standards and provide the latest information about HIV-AIDS and other health curricula. But final responsibility for local programs must fall on the local communities.

That is why we were so adamant in supporting the National Education Goal for Parental Participation Act. The beauty of the public school is that "the public" can and should get together to determine what is the best curriculum for their particular needs, school district by school district. That is also why the National PTA has worked so closely with CDC and many other organizations in educating our membership about HIV-AIDs, and assuring that no child is discriminated against, no matter what their sexual preference.

In addition, the National PTA supports legislation to assist states and localities to develop and fund comprehensive health care programs, including school-linked health clinic, and provide equitable access to quality, affordable healthy care for all children, youth and pregnant women. Health clinics MUST have include parents in all decisions pertaining to children's education and development.

We would hope that you would oppose all efforts that would permit the U.S. Department of Education to dictate curriculum decisions to local school districts. Representative William Goodling was concerned about this possibility when the House passed Goals 2000, and we would support adding such an amendment on the Senate version of Goals 2000 as well.

Sincerely,

CATHERINE A. BELTER,
Vice President Legislative Activity.

Mr. KENNEDY. I will read two paragraphs from the letter from NASHEC:

Our members are committed to ensuring that all children and youth receive quality

comprehensive health education as a cornerstone of a comprehensive health program which includes health services. NaSHEC urges defeat of any effort to limit the use of federal funding for school-based health centers or services, or for education or counseling for gay youths. It is our understanding that amendments regarding these issues may be offered during upcoming consideration of proposals to improve education.

NaSHEC supports family life and sexuality education as an integral component of a quality comprehensive health education program and strongly favors encouraging abstinence within those efforts. We believe that quality comprehensive health education programs and sexuality education involve a broad-base of community representatives in making decisions about a program's content. Historically, Congress has provided direction about populations, special needs, and types of educational and health services, but has left local school districts the flexibility to implement requirements within their communities. This freedom must continue to be upheld.

The 70 member organizations include the American Academy of Family Physicians; the American Academy of Pediatrics; the American Association of School Administrators; the American Cancer Society; the American Lung Association; the Association of Junior Leagues. That is not considered to be a very radical group. The Association of State and Territorial Health Officials; the March of Dimes; National Association of Elementary School Principals; National Association of School Nurses; National Association of State Boards of Education. I have included the total list in the RECORD.

They believe, obviously, that there are going to be different criteria for different children in different parts of the country. There will be in my own State of Massachusetts, obviously, different programs for certain parts, different programs for Boston, for example, than in other parts of the State. Those are basically local judgments and decisions.

This does not just restrict the funding here. The way this is constructed, if any agency is providing any kind of material described in that amendment, then the State loses all of the funding for poor children. And, as Senator WELLSTONE and I have mentioned repeatedly, we want to make sure the Members will have an opportunity to make a judgment. This legislation is about poor children and their education, not promoting one form of sexual activity or another, other than abstinence. And we believe our amendment reflects that and demonstrates it. I hope we will have an opportunity to consider it.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Massachusetts. As Senator KENNEDY has pointed out, there will be an opportunity for Senators to vote on an amendment that makes it clear that nothing in this act would encourage the distribution of materials or encourage sexual activity of any kind in public schools.

I just want one more time to focus on what I consider to be the most serious, dangerous part of this amendment, and I hope that my colleagues and staff are listening. The prohibition is:

No local educational agency that receives funds under this act shall implement or carry out a program or activity that has either the purpose or the effect—

Mr. President—

or the effect of encouraging or supporting homosexuality as a positive lifestyle alternative.

And then listed as a program activity is counseling.

What in the world does this language mean? One more time, a troubled youth—gay—goes to see a counselor and that youth says to that counselor: I am gay, or I am homosexual, or I am lesbian, and I feel worthless; I do not have any reason to live. The suicide rate is three times as high for young people who are gay.

That counselor says: You should not feel that way. Just because you are gay or lesbian does not mean you are not a person of dignity.

Now, have we affirmed, has this had the effect of now supporting homosexuality as a positive lifestyle alternative? By the language of this amendment, yes, with the threat of cutoff of Federal funds. It is going to be very difficult for our schools and our counselors to provide support to young people, yes, regardless of whether they are gay or lesbian who need that support.

That is what is so profoundly wrong with this amendment, and there is no other way to read it. It does not just talk about purpose, it talks about effect. Draft another amendment. But this amendment has precisely the effect of making it well nigh impossible for our schools and our counselors to provide support to these young people.

I hope my colleagues will vote against this amendment on basic humanitarian grounds. I hope we will vote for the alternative amendment, which is crystal clear about money not being used to promote sexual activity of any kind. That is what we are concerned about, instructional materials that do that.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, just again to repeat one point to my colleague from Minnesota. On the issue of counseling, I have made clear the intent of the amendment, as the maker. But it is interesting in this debate that the counseling that takes place with the literature that I referred to is not objectionable to the Senator or to those who argue against me on the amendment. Calling respected clergymen of the churches of all faiths—there is no specific reference here to any particular faith, so I would have to assume all faiths—idiots that mess with your mind, I, frankly, have some problems understanding why that kind of counseling is not objectionable to my colleagues.

And then when you look at the language and the documents that I have already referred to, I find that objectionable and I find it interesting, again, that those words that are singled out like "affirmed" and "counseling" are objectionable to the Senator from Minnesota, but words that are so filthy that I cannot even repeat them on the floor of the Senate without having my words taken down, nor can I even show the documents, are not objectionable by implication. As I said, that is what I find interesting in this debate.

Mr. President, I do not choose to prolong the debate and I will yield the floor. I just want to understand the parliamentary situation. At this time, the next vote would be on the Danforth amendment, followed by a vote on the Smith amendment, as amended by Helms; or is there some other parliamentary sequence of which I am not aware?

Mr. LEVIN. Mr. President, I will vote against the Helms amendment.

I am, of course, concerned about and opposed to any program or activity in the public schools which would promote sexual activity, whether homosexual or heterosexual. I will support the proposal of the managers of the bill which will have the effect of prohibiting the use of Federal funds for any such activity.

Senator HELMS' amendment is, in my judgment, too broadly drawn.

Mr. President, many young teenagers who are gay individuals seek counseling in our school systems. In many instances, such youths are depressed or suicidal. Appropriate counseling of such kids often includes supporting them, encouraging their sense of self-worth, and letting them know that they are decent and valuable human beings. Some might construe such counseling as supporting homosexuality as a positive lifestyle alternative.

The Helms amendment is so broadly drawn as to leave the interpretation open and put Federal support of the schools involved at risk.

The amendment offered by the bipartisan managers of the bill more accurately addresses the need to make clear the Senate's opposition to the use of Federal funds to promote sexual activity—heterosexual or homosexual—without endangering school programs and counselors who seek only to help our young students advance themselves and to gain a better education.

The PRESIDING OFFICER. The Chair advises that the pending question is the Helms second-degree amendment to the Smith amendment.

Is there further debate? If not, the question occurs on agreeing to the Helms second-degree amendment to the Smith amendment.

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 Wyoming [Mr. WALLOP] is necessarily absent.

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

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—63

Baucus	Dorgan	Lott
Bennett	Durenberger	Lugar
Biden	Exon	Mack
Bond	Faircloth	Mathews
Breaux	Ford	McCain
Brown	Gorton	McConnell
Bryan	Gramm	Murkowski
Bumpers	Grassley	Nickles
Burns	Gregg	Nunn
Byrd	Hatch	Pressler
Coats	Hatfield	Pryor
Cochran	Heflin	Reid
Cohen	Helms	Roth
Conrad	Hollings	Sasser
Coverdell	Hutchison	Shelby
Craig	Johnston	Simpson
D'Amato	Kassebaum	Smith
Danforth	Kempthorne	Specter
DeConcini	Kerrey	Stevens
Dole	Kohl	Thurmond
Domenici	Lieberman	Warner

NAYS—36

Akaka	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boren	Inouye	Murray
Boxer	Jeffords	Packwood
Bradley	Kennedy	Pell
Campbell	Kerry	Riegle
Chafee	Lautenberg	Robb
Daschle	Leahy	Rockefeller
Dodd	Levin	Sarbanes
Feingold	Metzenbaum	Simon
Feinstein	Mikulski	Wellstone
Glenn	Mitchell	Wofford

NOT VOTING—1

Wallop

So the amendment (No. 2434) to amendment No. 2433 was agreed to.

AMENDMENT NO. 2435 TO AMENDMENT NO. 2433

(Purpose: To prohibit the use of funds made available under this Act from being used to promote or encourage sexual activity)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. JEFFORDS, proposes an amendment numbered 2435 to the amendment numbered 2433.

The amendment is as follows:

At the end of the pending amendment, insert the following:

SEC. . LIMITATION.

(a) IN GENERAL. None of the funds authorized under this Act shall be used to develop materials or programs directed at youth that are designed to directly promote or encourage, sexual activity, whether homosexual or heterosexual.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina, Mr. HELMS, is recognized.

Mr. HELMS. I call for the regular order, Mr. President.

AMENDMENT NO. 2430

The PRESIDING OFFICER. Regular order has been called for.

The matter now before the Senate is the amendment offered by the Senator from Missouri [Mr. DANFORTH], amendment No. 2430.

Mr. HELMS. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, the parliamentary situation is as follows: The Helms amendment was included as an amendment to the Smith amendment, which permitted further proceedings by the Senate. Senator JEFFORDS and I added a follow-on amendment which does not dislocate the Helms amendment, does not substitute, but gives the Members an opportunity to express their view on this particular policy issue. As was appropriately pointed out, we had previously in the day debated the Danforth amendment which related to single-sex schools. We had about a 3-hour debate on that. We went through a period of about an hour or two where we considered other matters—discussions on Haiti, and others—as we tried to work through the process with the Senator from Missouri.

I know that the Senator from Missouri wants to address and reach a resolution of this issue. It is a very, very important one. I hope that he will be afforded the opportunity to do so and that we could do it in a timely way. I had indicated to Senator DANFORTH that we would address that issue after we had some votes on the previous amendments. And so at this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. 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. DANFORTH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is the Senator's Amendment No. 2430.

AMENDMENT NO. 2430, AS MODIFIED

Mr. DANFORTH. Mr. President, during this morning's deliberations on this amendment, Senator GRAHAM of Florida made some recommendations relating to certain funds which were in the bill. He would prefer for them to be deleted. We worked with his staff and made those changes.

We have also worked with various people who are interested in the question of whether same-gender classes are permissible under title IX in order to remedy effects of past discrimination.

So, subsequent to those various meetings, I have made the following changes in my amendment to accommodate the Senator from Florida and to address concerns expressed by the manager of the bill. I have removed those provisions which would have provided monetary resources on the part of the Federal Government to support the implementation of same-gender classes. Also, the amendment would now read that the Secretary of Education is to commission a study of the educational opportunity demonstration program to compare educational and behavioral outcomes of those selecting same-gender classes and those selecting the coeducational option.

I have also added a construction clause to ensure that this amendment is neutral regarding the question which has been previously litigated in court, whether same-gender classes, programs or schools are permissible under title IX in order to remedy the effects of past discrimination.

Mr. President, I now send a modification to the desk, and I ask unanimous consent that my amendment be modified.

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

The amendment, (No. 2430) as modified, reads as follows:

On page 650, between lines 3 and 4, insert the following:

"PART H—EDUCATIONAL OPPORTUNITY DEMONSTRATION PROGRAM

"SEC. 1801. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) while low-income students have made significant gains with respect to educational achievement and attainment, considerable gaps still persist for these students in comparison to those from more affluent socioeconomic backgrounds;

"(2) our Nation has a compelling interest in assuring that all children receive a high quality education;

"(3) new methods and experiments to revitalize educational achievement and opportunities of low-income individuals must be a part of any comprehensive solution to the problems in our Nation's educational system;

"(4) preliminary research shows that same gender classes and schools may produce promising academic and behavioral improvements in both sexes for low-income, educationally disadvantaged students;

"(5) extensive data on same gender classes and schools are needed to determine whether

same gender classes and schools are closely tailored to achieving the compelling government interest in assuring that all children are educated to the best of their ability;

"(6) in recent years efforts to experiment with same gender classes and schools have been inhibited by lawsuits and threats of lawsuits by private groups as well as governmental entities; and

"(7) there is a compelling government interest in granting the Secretary authority to insulate a limited number of local educational agencies and schools which are experimenting with same gender classes for a limited period of time from certain law suits under title IX of the Education Amendments of 1972, section 204 of the Education Amendments of 1974, section 1979 of the Revised Statutes (42 U.S.C. 1983), or any other law prohibiting discrimination on the basis of sex, in order to collect data on the effectiveness of such classes in educating children from low-income, educationally disadvantaged backgrounds.

"(b) PURPOSES.—It is the purpose of this part—

"(1) to give the Secretary discretion to allow experimentation with same gender classes for low-income, educationally disadvantaged students;

"(2) to determine whether same gender classes make a difference in the educational achievement and opportunities of low-income, educationally disadvantaged individuals; and

"(3) to involve parents in the educational options and choices of their children.

"SEC. 1802. DEFINITIONS.

"As used in this part—

"(1) the term 'educational opportunity school' means a public elementary, middle, or secondary school or a consor- tium of such schools all of which receive A waiver under this title, that—

"(A) establishes a plan for voluntary, same gender classes at one or more than one school in the community;

"(B) provides same gender classes for both boys and girls, as well as a co-educational option for any parent that chooses that option;

"(C) gives parents the option of choosing to send their child to a same gender class or to a co-educational class;

"(D) admits students on the basis of a lottery, if more students apply for admission to the same gender classes than can be accommodated;

"(E) has a program in which a member of the community is asked to volunteer such member's time in classes of children of the same gender as the member; and

"(F) operates in pursuit of improving achievement among all children based on a specific set of educational objectives determined by the local educational agency applying for a grant under this part, in conjunction with the educational opportunity advisory board established under section 1803(e) and agreed to by the Secretary; and

"(2) the term 'educational opportunity advisory board' means an advisory board established in accordance with section 1803(e).

"SEC. 1803. PROGRAM AUTHORIZED.

"(a) INAPPLICABILITY.—Title IX of the Education Amendments of 1972, section 204 of the Education Amendments of 1974, section 1979 of the Revised Statutes (42 U.S.C. 1983), and any other law prohibiting discrimination on the basis of sex, shall not apply to a local educational agency or an educational opportunity school for a five year period following the secretary's grant of the waiver only to the extent the Secretary determines necessary to ensure the development and operation of same gender classes in accordance with this part.

"(b) EDUCATIONAL OPPORTUNITY ADVISORY BOARD.—Each local educational agency receiving a waiver under this part shall establish an educational opportunity advisory board. Such advisory board shall be composed of school administrators, parents, teachers, local government officials and volunteers involved with an educational opportunity school. Such advisory board shall assist the local educational agency in developing the application for assistance under section 1804 and serve as an advisory board in the functioning of the educational opportunity school.

"SEC. 1804. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each local educational agency desiring a waiver under this part shall submit, within 180 days of the date of enactment of the Improving America's Schools Act of 1994, an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(b) SCOPE OF APPLICATION.—Each application described in subsection (a) may request a waiver for a single educational opportunity school or for a consortium of such schools.

"(c) APPLICATION CONTENTS.—Each application described in subsection (a) shall include—

"(1) a description of the educational program to be implemented by the proposed educational opportunity school, including—

"(A) the grade levels or ages of children to be served; and

"(B) the curriculum and instructional practices to be used;

"(2) a description of the objectives of the local educational agency and a description of how such agency intends to monitor and study the progress of children participating in the educational opportunity school;

"(3) a description of how the local educational agency intends to include in the educational opportunity school administrators, teaching personnel, and role models from the private sector;

"(4) a description of how school administrators, parents, teachers, local government and volunteers will be involved in the design and implementation of the educational opportunity school;

"(5) a description of how the local educational agency or the State, as appropriate, will provide for continued operation of the educational opportunity school once the Federal waiver has expired, if such agency determines that such school is successful;

"(6) a justification for the waiver or inapplicability of any Federal statutory or regulatory requirements that the local educational agency believes are necessary for the successful operation of the educational opportunity school and a description of any State or local statutory or regulatory requirements, that will be waived for, or will not apply to, the educational opportunity school, if necessary;

"(7) a description of how students in attendance at the educational opportunity school, or in the community, will be—

"(A) informed about such school; and

"(B) informed about the fact that admission to same gender classes is completely voluntary;

"(8) an assurance that the local educational agency will annually provide the Secretary such information as the Secretary may require to determine if the educational opportunity school is making satisfactory progress toward achieving the objectives described in paragraph (2);

"(9) an assurance that the local educational agency will cooperate with the Secretary in evaluating the program authorized by this part;

"(10) assurances that resources shall be used equally for same gender classes for boys and for girls;

"(11) assurances that the activities assisted under this part will not have an adverse affect, on either sex, that is caused by—

"(A) the distribution of teachers between same gender classes for boys and for girls;

"(B) the quality of facilities for boys and for girls;

"(C) the nature of the curriculum for boys and for girls;

"(D) program activities for boys and for girls; and

"(E) instruction for boys and for girls; and

"(12) an assurance that the local education agency will comply with the research and evaluation protocol developed by the Secretary of Education.

"(13) such other information and assurances that the Secretary may require.

"SEC. 1805. SELECTION OF GRANTEES.

"The Secretary shall award waivers under this part on the basis of the quality of the applications submitted under section 1804, taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) organizational structure and management of the school;

"(3) the quality of the plan for assessing the progress made by children in same gender classes over the period of the grant;

"(4) the extent of community support for the application; and

"(5) the likelihood that the educational opportunity school will meet the objectives of such school and improve educational results for students; and

"(6) the assurances submitted pursuant to section 1804(c)(13).

"SEC. 1806.

The Secretary of Education is hereby required to commission a study upon enactment of the Educational Opportunity Demonstration Program, with appropriate protocols to compare the educational and behavioral achievement of those choosing same gender classes and those choosing the coeducational option. The study should be delivered to all members of Congress within one year of the expiration of the waiver authority granted herein.

"SEC. 1807. CONSTRUCTION.

Nothing in this part shall be construed to affect the availability under Title IX of remedies to overcome the effects of past discrimination on the basis of sex."

Mr. DANFORTH. Mr. President, let me again briefly summarize what the amendment is about. Right now some of our school districts, especially school districts in some of our larger cities, have attempted to set up single-gender classes or programs within those schools. However, they have been chilled in their efforts to do that, both by the Department of Education and by the threat of lawsuits by private organizations who have claimed that single-gender classes violate title IX.

So this amendment would allow the Secretary of Education to grant waivers from title IX for 10 applicants, only 10. This is a pilot program, it is a demonstration program. And the demonstration program would say that the

Secretary of Education may grant waivers in 10 cases and only 10 cases for a period of 5 years.

There is absolutely nothing in this amendment that would require anybody to do anything. There is nothing in this amendment that would require a school district to seek to have or to offer single-sex classes. If a school district wanted to do so, the school district would have to apply to the Department of Education, and the Secretary of Education could turn down each and every applicant.

In order to be approved by the Secretary of Education, the applicants would have to give certain assurances to the Secretary. Those assurances relate to equality of opportunity and—I am reading from the amendment—"assurances that resources shall be used equally for same-gender classes for boys and for girls; assurances that the activities assisted under this part will not have an adverse effect on either, sex that is caused by the distribution of teachers between same-gender classes for boys and girls; the quality of facilities for boys and girls; the nature of the curriculum for boys and girls; program activities for boys and for girls; and the instruction for boys and for girls."

So the Secretary of Education would have to be assured on the basis of equality.

Once the program is approved, the schools set them up, but the schools would also have to provide for coeducation, so that the parents of the kids could pick either way. The parents of the kids could choose for same-sex classes or they could choose for coeducational classes. It would be up to the parent.

All this amendment amounts to is choice. And, Mr. President, there have been studies and there is evidence that some children do better with the single-sex option; obviously not every child. But, just as Members of the Senate who send their children to private schools often can select either a coeducational option or a single-sex option, so this would provide—on a very limited basis, only 10 school districts nationwide—for this kind of an opportunity.

That is the amendment. It is very, very limited, very restricted.

Mr. President, I believe the yeas and nays have been ordered. I do not know whether anyone else wishes to speak.

I see the manager of the bill seeking my attention.

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

Mr. DANFORTH. Of course.

Mr. BIDEN. As I understand it—it seemed pretty straightforward—the Secretary would have the option of approving or not approving, and there would have to be a showing that an equal amount of money was being spent for boys and/or girls classes?

Mr. DANFORTH. That is right. That is absolutely correct. The assurances are spelled out in the amendment itself, and the applicant would have to provide those assurances in making the application. The Secretary of Education would then have to be satisfied that those assurances are, in fact, correct.

Mr. BIDEN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank my good friend from Missouri for having worked out what I believe is an excellent compromise, if you want to call it that. Although I think the fundamental desires that he had and what he is trying to accomplish is certainly accomplished still, but it is done in a way I think reassures us all that we are moving in the right direction.

So I compliment him for his work and urge passage of his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from Missouri for the work he has done on this amendment. We had a good discussion on this matter earlier today. We had some good conversation, negotiations about the structure and the form and the meaning of language and the objective of the Senator from Missouri. I commend him for the changes, really, that have been made.

But I, for one, still have the fundamental reservations that I have expressed earlier in the day. I think there are a number of different elements that are a matter of concern. We must look at what has happened over the period of the development of women's education in our country.

I will not take the time of the Senate to revisit some of these arguments, but if we see how women have been treated in the classrooms, not only at the university level where they have been excluded in some instances, but also how they have been treated in the classrooms in elementary-secondary education, there is no question we have seen where young women in our society have, by and large, not had the focus and attention. We have not given the kind of training to teachers in sensitivity, by and large, to many of the young women in our educational systems. As a matter of fact, there is a major part of our whole effort in this legislation which addresses this issue and which I reviewed earlier in the day because young women have been left out and left behind.

Really, a fundamental question comes as we are trying to deal with the problems of enhanced educational opportunity. We are facing, with a genuine frustration, how we are going to deal with those issues and whether this offers, really, some additional opportunity that the other provisions of this legislation which are directed to enhancing academic achievement would effectively replace.

I am not persuaded so. I think, even with a small number of school districts, we are getting into a rather dangerous kind of form when we are trying to have education—and this is what it is—basically by exclusion. If you are going to have single-sex activities, you can have those single-sex activities if you are trying to override past discrimination. That is why we have women's athletic teams, women's debate teams, women's mathematics competitions and other activities, and they have been portrayed as overriding other kinds of discrimination. It does not foreclose the opportunity for doing that for single-sex—for blacks, for instance. But that is not what this is about. This is about all males in these circumstances.

Although the issue has certainly come up before our committee: Why not just do it with regard to blacks? If we are going to do it with regard to blacks, what about browns? If we are going to do it for blacks, browns, what about Asians? Are we going to have black males, Asian males, brown males; Asian females, black females, brown females—in a particular school? A particular school district? Is that where we are trying to go, at a time when we are trying to diminish the insensitivities, the suspicions, in some instances the inherent misunderstandings—in few occasions hostility—to differences? Are we as a society going to exclude the opportunity for that kind of activity, for some cohesiveness? And do it at a rather basic level and that is in the form of education?

I mentioned earlier a number of schools have had various programs which have identified just males, identified just young minority students in circumstances working as a part of a total school day and a total school experience. That has been supported, and it is now under review, as to the factors, in terms of its success.

The point that is raised by some with just the single-sex classes, for example, in terms of women in our society: What does this do? Does it do anything to women who are moving into what is generally a male-dominated world of business activities?

Only in the very recent times have we seen law firms open up to female partners, or banks open up the corporate offices, or the corporate boardroom open up to women. Should we expect that the individuals who come through that process, on the one hand going through an educational experience that is solely separate, different in terms—perhaps not the total amount that is going to be expended—but it also may very well be different in other subtleties.

You say they both will have computer class. What is going to be in the computer class? Are they going to say

we find that women, in terms of developing these kinds of classes in computers, are going to be better at it and therefore we are going to do this? Are there going to be changes? Differences? Are there going to be distinctions?

Mr. President, I think we have been reluctant here to move to vouchers even while trying to look into experiments about what is going to happen as a result of young people leaving school systems. We have charter schools here. We have experimentation in terms of magnet schools. We have tried to experiment with some privatization. We have tried to provide some degree of flexibility. We have tried to provide a waiver of certain rules and regulations at the local level so there could be greater initiatives and support for reform at local level.

But we have not been willing to waive the fundamental laws on the issues of discrimination or in terms of disability because we have felt once we begin to move in those directions, I can see—I know, clearly, it is not the intention of those who support it—that we move ourselves into a direction where we get back again to another period of time, of separate but equal kinds of circumstances.

I genuinely appreciate the seriousness with which the Senate has addressed this issue, this debate, and the arguments that have been made. But I hope we would not accept this amendment.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I rise in strong opposition to this amendment. I do so with great regard for its sponsor and for his motivation. The sponsor is a sensitive legislator who has, over the years, demonstrated his real concern regarding educational access and educational excellence. So in that regard it is very difficult to argue against his proposal.

On the other hand, it is absolutely necessary to argue against his proposal. If you think about it, the most important aspect of this amendment is it seeks to waive civil rights protection. I think any time we start talking about waiving civil rights protections for any group, any group that has had to struggle over the years to receive those protections in the first instance, we ought to look very carefully at the circumstances and the needs for doing so.

Waiving civil rights protections for women, for blacks, for Asians, for other groups that have been left out of the mainstream of American life is a very serious matter and should only be undertaken under very serious circumstances. And, frankly, under circumstances in which it is clear that the conferring of civil rights protections has militated against the interests of the group that is so considered to be a protected class.

So I start with that. We are talking about waiving civil rights protection.

I would make the point also, Mr. President, to the sponsor, that the really troublesome aspects of this waiver of civil rights protection is that it is directed to women. It is directed to girls. It is directed to a group that already suffers from unequal access, unequal treatment, inadequate facilities in our school systems. Study after study has shown that girl students receive less than boys in terms of access to math and science training; less than boys in terms of access to athletic support; less than boys in any number of areas in our educational system. And it is in the context of that reality that this amendment suggests that we remove civil rights protections for those very people.

I ask the question of any father in this body, and most of the Members of this body would have to be fathers. But I raise the question of the fathers in this body. What if it were your daughter assigned to the class with the second-rate science teacher? What if it were your daughter assigned to the class with the second-rate mathematics teacher? If this amendment is agreed to, what recourse would she have? If this amendment is agreed to, she would be hard put to go to the courts and say wait a minute, I am entitled to the good math teacher. I am entitled to the good science teacher.

I am entitled to the same treatment as any boy in my school district receives. I want to say to the fathers that we want to look very carefully before we remove civil rights protections for a group that already has been demonstrated as receiving second-class treatment in all too many school systems in this country.

Mr. President, we have already been through a time in our country—and I do not want to inflame this debate; I think the Senator from Massachusetts made the point very eloquently and very well—we have already been through the experiment of trying out separate and calling it equal. And we found out it is very difficult when you make it separate to have it equal. It is almost an oxymoron. Separate is, more often than not, unequal, and that is the reality.

So to start now, to try to turn back what gains girls have made in our school system, in behalf of trying an experiment—and I daresay one that has not been proved, one that has not been demonstrated as having given rise to any appreciable increase in educational performance or educational excellence—to waive those civil rights protections for those girl students all over this country, or to at least put them in jeopardy all over this country, it seems to me takes a major step backward in terms of gender equity, takes a major step backward in terms of where we are in our commitment to equality of treatment of all citizens without regard to their gender or their race. It seems to me to move in the absolute wrong direction.

In support of the argument—and I do not know if it has been introduced for the RECORD—I point out that the American Association of University Women did do a report on how schools shortchange girls. There is no conclusive evidence that single-sex education works better than coeducation.

The point that I had in conversation with the Senator from Missouri, and again it was a very sensitive conversation, is if an individual wants to, with regard to private schools that use private money, to make a choice in behalf of single-sex education, that is certainly that individual's right to do so, certainly within the confines of the existing law.

Similarly, current law already permits single-sex programming in specific areas, and where it can already be shown that such programming truly redresses historic discrimination or under-representation.

So there is already some room for this. But I daresay, Mr. President, this amendment goes too far because it waives the very civil rights laws that have been the subject of 20 years plus —I am probably aging myself—20 years of debate and suffering and sacrifice.

We have come this far; let us not go backward. The Danforth amendment, unfortunately—and I say this, again, with all due respect for my colleague from Missouri—is a step in the absolute wrong direction, will hurt girl students, will hurt our progress in this area, and really is counterproductive. The amendment ought to be defeated.

Thank you very much, Mr. President.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, just a few words in response to the various arguments that have been made.

The first is in response to Senator KENNEDY. The purpose of this is not to exclude any student from anything. The point of it is to give students and their parents a choice. There is nothing in this amendment that excludes a single child from coeducation. If that child, or more likely that child's parents, believe that coeducation is best for that child, that child will receive coeducation in that school.

What this does is to allow schools, if the school district wants to, to set up single-sex classes if the parents of that child want it. It is not an exclusion. It is simply creating an option.

Ms. MOSELEY-BRAUN. Will the sponsor yield for a question?

Mr. DANFORTH. Certainly.

Ms. MOSELEY-BRAUN. Mr. President, if the parents in a school decide to set up a single-sex math class, for example, for boys, and it turns out the math teacher is really terrific, and a

girl in that school wants to go to that math class because she wants to learn mathematics, will she be able then to petition; is there any way that she can then attend those classes as well, under the Senator's amendment?

Mr. DANFORTH. This really grows out of a discussion that we had last week to make it very clear that the program cannot provide for discrimination on the basis of gender, and that assurances must be given by the applicant school district that resources will be equally available and that instruction will be equally good for boys and girls. That has to be the assurance, and that has to be the assurance that is passed upon by the Secretary of Education in agreeing to the program.

Ms. MOSELEY-BRAUN. Again, if the Senator will yield, using the same example, assuming for a moment that the school district certifies we have a math class for boys and we have a math class for girls, you and I and everyone knows you have teachers all with the same certification, and one will be a terrific top-drawer teacher and another is a not-so-good top-drawer teacher.

Let us assume for a moment the really good teacher is one that has the boys' class. Can a girl say, "I want to attend that class; that is where the good teacher is; those kids are scoring higher on the scholastic exams than those coming out of the girls' class"?

Mr. DANFORTH. As a parent, I have had exactly that experience with my children when my kids have been in, say, tenth grade—or whatever the grade is—and the grade is divided into various sections. And I think, just at least from my parental observation, that the best teacher is teaching section 1 and my kid has been assigned to section 3. I do not have any right to change my kid from section 3 to section 1.

So I think the answer to that question has to be that there is nothing in this that would give parents a right to pick precisely what section in a grade the student is in. But I will say that the assurances that have to be given by the school and passed upon is that the opportunities are equal.

I guess, if there is a difference in quality of teachers, who knows; but the purpose of this, I can assure the Senator, is not to say, "Oh, well, let's figure out ways of discriminating against either boys or girls." It is the absolute opposite of that.

Ms. MOSELEY-BRAUN. If the Senator will yield. I do not take issue with the motivation of the Senator in filing this amendment at all, and I want the RECORD to be very clear in that regard. We have had privately, I think, a very sincere discussion in this area. But, again, I raise the question in terms of the legal and the practical consequences as opposed to motivation. That was the only reason for my question.

Mr. DANFORTH. I appreciate that.

Mr. President, let me say, there have been studies that have pointed out that girls in school have been at a disadvantage. This morning I read, I think at least twice, the various findings of research on this subject. Research has found that teachers call on boys more frequently and spend more time with boys and encourage the initiative and the inquisitiveness of boys rather than girls. That is not right. But that, apparently, is what the situation is.

Evidence has shown that by the sixth grade, girls have become more tentative. They are less likely to respond to questions and are reluctant to take part in class demonstrations.

Once girls enter middle school, the situation worsens, and the girls who have previously held the edge in subjects, including mathematics, begin to lose points in every category of national tests. Self-esteem for girls begins to decline. There are studies on this.

I think, for exactly that reason, there are many parents who say, "Well, I don't want that for my daughter. I would rather have my daughter in a single-sex setting." This is something that we did in our family and, again, I am repeating myself from this morning.

But I happen to have four daughters, and all of my daughters, and my son for that matter, went to single-sex private schools. Why did the daughters go to single-sex schools? Why did they want it that way and why did my wife and I want it that way? Because the single-sex schools, through high school at least, for my girls was something that affirmed them. It held them up. For example, two of them were class president. They got to participate in various school activities. All of the leadership in those schools was girls. They had excellent, excellent teachers. It was just a wonderful experience for them.

I do not say that this is true for everybody. But for people who are reasonably well off, they can make this kind of choice. I could make it for my kids. And I pointed out this morning that President Clinton and Mrs. Clinton picked Sidwell Friends for their daughter, a coeducational private school, and I am sure because they thought it was the best school for their daughter. On the other hand, there are schools in Washington such as Holton Arms and Landon where my kids went or National Cathedral School and St. Albans, Georgetown Prep, all these very fine schools in Washington that are single-sex schools, and the parents and the kids—in my case the kids participated in it—picked the schools because they thought that it was best for them.

Senator KENNEDY said, well, does that qualify them, particularly the young women who went to these schools, to fully participate in life after school? The answer to that question is yes. Again it is anecdotal. My daughters all went to coeducational colleges. They all went to very selective coeducational colleges. Two of them went on to law school from college. One is practicing criminal defense law now, not a job for somebody who is a wilting violet. And these are products of single-sex education.

So I would say the answer to the question is that the reason parents oftentimes would like this, particularly for their daughters, is to give them an opportunity to grow to the fullness of their potential in the setting the parent believes best for the student.

In fact—and this has proved to be something that has worked out in reality, and again I am repeating myself from this morning—Prof. Cornelius Riordan of Providence College, his research confirms earlier research that girls in single-sex schools score a full half grade above their coeducational counterparts on academic ability tests, and girls in single-sex schools outperform girls in coeducational schools by almost a full grade level on science test scores. And for minorities it is the same thing. So what the studies, so far as we have studies, show is that the people who benefit most from this opportunity are young women and minorities.

I think all of us recognize—it is the point of having this legislation on the floor in the first place—that we have real problems in this country now, real problems with the educational level of our people. It seems to me that if we can at least set up a little demonstration program—this is not anything that is draconian. It is just a demonstration program that says that without fear of title IX, school districts can apply to the Secretary of Education for a waiver so that they can try this for a 5-year period of time. They cannot do it now. In Milwaukee, in Philadelphia, in Miami threats of lawsuits or threats by the Department of Education have closed down these experiments. I think that is wrong. It seems to me, if my children get to go to single-sex schools because it is best for them, why not have at least some classes in some schools for parents that must send their children to public schools. That is all this is about. And I think it is worth a try. Is it a panacea? Nothing is. Nothing is a panacea. Nothing is a panacea.

But I think this is something, as far as we can tell from all of the advice we can get, that is worth trying, and I would like to give it a try. That is the point of my message.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will not take much more time. I see my friend and colleague from Illinois. I am just wondering if she would give me

some kind of reaction to how this might work and whether she would be troubled by it.

The language says that the parents have the option of sending their child to a same-gender class or to a coeducational class. I suppose there might be the circumstance that the parents of every boy want a single-sex class. Then could the parent of the girl select the coed option? Would that be available for her? If all the boys in the class said, well, we all want single-sex and the girls said we do not want single-sex but we would like to be coed, there may be circumstances where there would not be boys left in a class. Or would they be able to afford the three classes, maybe one for boys, one for girls, and the other to be coed to cover the same curricula that it now provides in one coed class? I am not sure whether those are sort of legitimate kinds of problems that one might face out there.

But the position I take is that we have studies which have been done now with regard to what has happened in private schools and parochial schools—and there have been, as I understand, even the examples of some public schools, a Philadelphia high school—whether we should not review what has happened in terms of the private schools, the parochial schools, and perhaps even in the instance where there are public schools that for one reason or another have been able to develop that program and then come back to us at a very appropriate time, earlier time when they were able to have a review. Would this not be a better way of trying to proceed?

That is the position that I would take for the reasons that have been outlined here earlier.

I have been listening to Senator DANFORTH talk about Mr. Riordan up at Providence College. That is where my son went to college. So I was interested in the research that was being done up there. But, nonetheless, would the Senator agree with me that might be a preferable way of proceeding to address this kind of issue?

Ms. MOSELEY-BRAUN. In response to the Senator from Massachusetts, I could not agree more. It seems to me—and again to make the argument—if we are going to head down this road, get on this slippery slope, at a minimum we ought to have some information about the possible permutations, the possible practical effects of this. We do not want to wind up where all the boys are in the good math class, none of the girls are, and then the girls do not even have an opportunity at that point for coeducational opportunity, as in the examples given by the Senator from Massachusetts.

But my most important point here—and I will make it again—is the operative language of the amendment. Putting aside for a moment motivation, because I do not question the motivation of the Senator from Missouri—I know that he is a well-meaning individual—putting aside the hortatory language of the amendment, the purposes, the findings, and all the rest of that, the operative language of this amendment—and I wish to read it—says:

"Title IX of the Education Amendments of 1972, section 204 of the Education Amendments of 1974, section 1979 of the Revised Statutes, and any other law prohibiting discrimination on the basis of sex, shall not apply to a local educational agency or an educational opportunity school for a five-year period following the Secretary's grant of the waiver * * *"

The laws prohibiting discrimination on the basis of sex shall not apply. But before we start to waive significant civil rights protections, significant gender equity protections that are already in the law, it seems to me we ought to have specific information to respond to the question such as that put by the Senator from Massachusetts.

Mr. DANFORTH. Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

FOR GIRLS' SCHOOLS AND WOMEN'S COLLEGES, SEPARATE IS BETTER

(By Susan Estrich)

Twenty years ago, when I attended Wellesley College, an all-women's college, coeducation fever was gripping America. Yale and Princeton had just "gone"; Dartmouth "went" next. My freshman year, we were polled on whether we thought Wellesley should join the stampede. What did I know? I said yes. But now I know I was wrong, and I'm glad my vote didn't change anything.

This year, 60 percent of the National Merit Scholarship finalists are boys, because boys outscored girls on the Preliminary Scholastic Assessment Test (P.S.A.T.), which determines eligibility for the scholarships. The test doesn't ask about sports; it does ask about math and science, though, and that's where the differences between boys and girls are most pronounced. The American Civil Liberties Union and the National Center for Fair and Open Testing filed a Federal civil rights suit in February charging that the test discriminates against women. The plaintiffs want more girls to get National Merit Scholarships. So do I. But I want to see the girls earn them, in schools that give them a fair chance.

I didn't win a Merit Scholarship either, although if the Fair Test people had their way, I might have. My grades were near perfect. But I didn't take the tough math and science courses. I had different priorities. I started junior high as the only girl on the math team. By high school, I'd long since quit. Instead, I learned to twirl a baton, toss it in the air and catch it while doing a split in the mud or the ice. The problem wasn't the P.S.A.T., but me, and my school.

Things have changed since then, but not as much as one would hope. The American Association of University Women did a major study in 1992 about how schools shortchange girls and concluded that even though girls get better grades (except in math), they get less from school. Teachers pay less attention to girls and give them less encouragement. Two American University researchers, Myra and David Sadker, reached a similar conclusion after 20 years of study. Girls are the invisible students; boys get the bulk of the teachers' time. Boys call out eight times as often as girls do. When the boys call out, they get answers; when the girls do, they're often admonished for speaking out. And that's true whether the teacher is a man or a woman. Even the new history textbooks devote only about 2 percent of their pages to women. What is happening, says Elisabeth Griffith, a historian and headmistress of the Madeira School in McLean, Va., is that "boys learn competence, girls lose it."

If schools shortchange girls, why is it surprising when the tests show that they're doing less well? It isn't just the P.S.A.T.'s, where 18,000 boys generally reach the top categories and only 8,000 girls do. While the gap has narrowed, boys also outscore girls on 11 of the 14 College Board Achievement tests, and on the A.C.T. exams and on the S.A.T.'s. It is possible to jimmy selection standards to make sure girls win more scholarships, but equal results don't count for much if those results are forced. Instead of declaring equality, society should be advancing it. The challenge isn't to get more scholarships for baton twirlers but to get more baton twirlers to take up advanced mathematics.

One place that happens is in girls' schools and women's colleges. Sometimes separate isn't equal; it's better. Changing the way teachers teach in coed schools, changing the textbooks to make sure they talk about women as well as men, educating parents about raising daughters—all of these things make sense, since most girls will be educated in coed classrooms. But we've been talking about them for a decade, and the problems of gender bias stubbornly persist. In the meantime, for many girls, single-sex education is working.

In girls' schools, 80 percent of the girls take four years of science and math, compared with the national average of two years in a coed environment. Elizabeth Tidball, a George Washington University researcher, found that graduates of women's colleges did better than female graduates of coed colleges in terms of test scores, graduate school admissions, number of earned doctorates, salaries and personal satisfaction. One-third of the female board members of Fortune 1,000 companies are graduates of women's colleges, even though those colleges contribute less than 4 percent of total graduates. Forty-three percent of the math doctorates and 50 percent of engineering doctorates earned by female liberal-arts college students go to graduates of Barnard, Bryn Mawr, Mount Holyoke, Smith or Wellesley—all women's colleges. Graduates of women's colleges outnumber all other female entries in Who's Who.

I stopped twirling my baton when I got to Wellesley. I'd like to say that I knew I needed a women's college after all those years in the mud at football games, but it doesn't always work that way. I went to Wellesley because they gave me a generous scholarship, and because Radcliffe rejected me (the test scores, maybe). I was actually miserable a good deal of the time I was there, particularly during the long winters when the janitor was the only man around. But what I learned was worth it. I spent the better part of four years in a world in which women could do anything, because no one told us we couldn't. I even took some math courses. By senior year, somehow, I'd become an accomplished test-taker. When I got to Harvard

Law School, where men vastly outnumbered women and sexism was the rule, a professor told me on the first day that women didn't do very well. I laughed and decided to prove he was wrong. That's a Wellesley education.

I'm not proposing that coed public schools be replaced with a network of single-sex academies. But if the problem is that women don't do well in math or science, then single-sex classes, and single-sex schools, may be part of the answer.

The evidence, though scant, is promising. In Ventura, Calif., the public high school has begun offering an all-girls Algebra II course. The girls, one teacher says, think so little of their ability that the teacher spends her time not only teaching math but also building self-confidence, repeatedly telling the girls that they're smart and that they can do it. The Illinois Math and Science Academy in Aurora is experimenting with a girls-only calculus-based physics class for the first semester with the girls joining the coed class at midyear. In the girls-only class, the students report that they are jumping up to ask and answer questions instead of sitting back, hoping that the teacher doesn't call on them. One student said she was worried about the transition to a coed classroom: "We need to make sure we don't lose our newfound physics freedom." "Physics freedom" for girls—what a wonderful concept.

The biggest obstacles to such classes, or even to all-girls public schools, are erected by lawyers bent on enforcing legal equality. In the 1954 case of Brown v. Board of Education, the Supreme Court declared that "separate but equal" was inherently unequal. That was certainly true in Topeka, Kan., whose school system was challenged. It was true of the black-only law school established to keep blacks out of the University of Texas law school. It is not necessarily true of the Ventura High School math class for girls or the Aurora Academy calculus-based physics class, whose futures are in jeopardy because of the knee-jerk application of Brown.

Classes like those in Ventura County or Aurora, Ill., survive constitutional challenge by formally opening their doors to men, with a wink and a nod to keep them from coming in. Otherwise, the schools could be stripped of Federal support, and even enjoined under the constitution by Federal court order, because they are "discriminating." Private schools may open their doors only to boys or girls under an exemption from Federal laws mandating "equality." But public schools enjoy no such freedom. The reality is that if you need a Wellesley education in America, you have to pay for it. That's the price of committing to formal equality instead of committing to real opportunity.

Boys may pay the price as well. Some educators in the African-American community believe that all-boys classes may be part of the resolution to the dismal failure and dropout rates of African-American boys in school. But the courts prevented the Detroit school district from establishing three public all-boys schools, effectively stopping similar projects planned in other cities. Nonetheless, all-boys classes are being held quietly in as many as two dozen schools around the country, mostly in inner cities.

Such programs may or may not succeed in the long run. Research and careful study are plainly needed. But research and careful study are difficult when classes are held in near secrecy for fear of discovery by lawyers and Government officials intent on shutting them down in the name of equality.

If girls don't want to go to all-girls schools, or if parents don't want to send them, that's their choice. If the experiments with girls-only math classes or boys-only classes should fail, then educators can be trusted to abandon them. But short of that, let the educators and the parents and the students decide, and leave the lawyers and judges out of it.

[From Education Week, Feb. 23, 1994]

RECONSIDERING SINGLE-GENDER SCHOOLS: THE V.M.I. CASE AND BEYOND

(By Cornelius Riordan)

Fifty years ago, large schools were fashionable. It was part of a movement that established the comprehensive high school. Today, large schools are understood to be detrimental to effective schooling. Similarly, 50 years ago, ability grouping (tracking) was the accepted mode of organizing classrooms and schools for effective and efficient learning by students at all levels. Today, tracking is under serious criticism—the ideas of a core curriculum and cooperative learning are among current school reforms.

Coeducation, however, remains rock steady as the best way to organize schools and classrooms along gender lines. This is true despite the fact that there is hardly any research which supports the benefits of coeducation. In fact, the realities of coeducation are troubling. The salience of this problem was pointed up two years ago in "The A.A.U.W. Report: How Schools Shortchange Girls," commissioned by the American Association of University Women Educational Foundation. This study examined more than 1,000 publications about girls and education and concluded that bias against females remained widespread in schools, and was the cause of lasting damage to both educational achievement and self-development. These schools are coeducational schools.

Single-gender schools generally are more effective academically than coeducational schools. This is true at all levels of school, from elementary to higher education. Over the past decade, the data consistently and persistently confirm this hard-to-accept educational fact. There are some studies which have reported null effects—that is, no differences in educational outcomes—but there are very few studies (none in the United States) which demonstrate that coeducational schools are more effective, either academically or developmentally. Moreover, just about everyone knows this is true, despite the fact that most people have attended coeducational schools and continue to send their children to coeducational schools. A cursory sample of interviews will reveal that most people view single-sex schools as academically tougher, more rigorous, and more productive, though perhaps less enjoyable, than coeducational schools. And as the historian Richard Hofstadter noted long ago, in American, anti-intellectualism rules.

But the matter is unfortunately more complicated than the recalitrance of a society that continues to give priority to sports, recreation, and entertainment over the arts, science, and literature. At issue is whether separate schools for males and females can provide an equal educational opportunity. Many people see single-gender education as inescapably reactionary. Some feminists may see any form of "separationism" as negatively affecting women's equal access in other areas of society. Thus, discussions of single- and mixed-gender schooling must address these misgivings. One way to alleviate some of the reservations is to lay bare the typical reality of most coeducational classrooms and schools. Another way is to demonstrate the effectiveness of single-gender schools.

Single-gender schools work. They work for girls and boys, women and men, whites and nonwhites. Research has demonstrated that the effects of single-gender schools are greatest among students who have been disadvantaged historically—females and racial/ethnic religious minorities (both males and females). Single-gender schools provide more successful same-sex teacher and student role models, more leadership opportunities, greater order and discipline, and fewer social distractions to academic matters. The choice of a single-gender school is a pro-academic choice (females . . . gain advantages because of significant reductions in gender bias in both teaching and peer interaction, and via access to the entire curriculum).

Yet, white males also obtain an educational advantage from single-gender schools relative to their male counterparts who attend coeducational schools. Although research has reported null effects for white males, I maintain that this is due to countervailing forces. White males gain an educational advantage in single-gender schools due the same organizational opportunities that provide an advantage for females. It is the case, however, that white males also gain an educational advantage in coeducational schools due to the continued existence of gender stratification. The latter was fully and sadly documented in the A.A.U.W. report.

These positive effects, however, are not universal. In a cross-national study of four countries (Belgium, New Zealand, Thailand, and Japan), David Baker, Maryellen Schaub, and I have shown that single-gender schools do not have uniform and consistent effects. The effects appear to be limited to those national educational systems in which single-gender schools are relatively rare. In systems such as Belgium's and New Zealand's, two countries where single-sex schooling is "normative" (68 percent of the schools in Belgium and 48 percent in New Zealand), we obtained null effects using data from the Second International Study of Mathematics. We argue that the rarity of a school type may enhance single-sex effects under certain conditions. When single-gender schools are rare in a country, the pro-academic choice-making by parents and students will result in a more selective student body who will bring with them a heightened degree of academic demands. In turn, we believe that rare school types are better able to supply the quality of schooling demanded by these more selective students. Being less "the norm," these schools are likely to possess greater autonomy.

This enhancing condition of scarcity, however, may have a lower limit. When the number of single-sex schools falls below a certain point (due to the closing of these schools and the movement of students into coeducational schools), the capacity of single-sex schools to provide better resources and to select better students may decline. Once this decline is set in motion, the schools are less attractive to more highly motivated and talented students, who now will choose coeducational schools. Facing declining enrollments, single-sex schools are then forced to admit less talented students who attend because the slots are there and because of the schools' prior reputation. Under this scenario, some of the micro-structures and processes which were applied to single-sex schools may no longer be in operation.

Over the past several years, this controversy has focused on the Virginia Military Institute. In 1990, the U.S. Justice Department brought a suit against V.M.I. for

refusing to admit women to the school, and hence, failing to comply with the 14th Amendment of the Constitution. In 1991, a federal district court ruled in favor of V.M.I., agreeing with the school's argument that single-gender schooling was a form of diversity in education and that admitting women would destroy its educational methods. This decision, however, was overturned in 1992 by the U.S. Court of Appeals for the Fourth Circuit, which found that V.M.I. was indeed not in compliance with the equal-protection clause of the 14th Amendment. However, the court did not order that women be admitted to V.M.I. if alternatives were available and if these alternatives satisfied the equal-protection clause. In fact, the court gave V.M.I. and the commonwealth of Virginia (a co-defendant in the case) three options which would satisfy legal compliance with the 14th amendment: (1) decide to admit women to V.M.I. and adjust the program to implement that choice; (2) establish parallel institutions or parallel programs; or (3) abandon state support of V.M.I., leaving it the option of pursuing its own policies as a private institution. V.M.I. appealed to the U.S. Supreme Court for a writ of certiorari, which was denied in 1993 pending final adjudication in the lower courts; that is, the Court ruled that it had no jurisdiction until V.M.I. responded to the Fourth Circuit's alternatives.

Now we learn that V.M.I. has arranged to fully comply with the second recommendation of the Fourth Circuit. Specifically, the institution has proposed that it be allowed to continue to admit only men, and that it will assist Mary Baldwin College (a nearby women's college) to establish a "leadership" program for women that would approximate V.M.I's program for males. Women in this program would live in separate dormitories, participate in leadership programs, and enroll in the Reserve Officers' Training Corps program at Mary Baldwin. For each Virginia student admitted to the program, Mary Baldwin would receive an amount of money from the state equal to that received by V.M.I. for each Virginia student. In addition, the college would receive $6.9 million from the V.M.I. Foundation to endow the program at the outset. All of this has direct ramifications for a similar case that will be heard this year regarding The Citadel in South Carolina, and there are likely implications for experimental single-gender public schools (or single-gender classrooms) that are currently operating in Baltimore; Camden, N.J.; Detroit; Ventura, Calif.; and the Savannah-Chatham district in Georgia.

This proposal by V.M.I., though perhaps falling short of providing equal protection, is a plausible initial response to the directives contained in the ruling by the Fourth Circuit Court of Appeals. Unquestionably, as per the judgment of the appellate court, the exclusion of females from V.M.I. without some single-gender alternative was a violation of the 14th Amendment. One has to wonder why it took V.M.I. so long to figure this out.

However, the solution now seems close at hand. A major flaw of V.M.I.'s proposed plan is the absence of an engineering program at Mary Baldwin College. Such a program does exist at V.M.I. Of course, access to and success in engineering remain as barriers to the advancement of women throughout the country. In response to this problem, Barbara Lazarus, the associate provost for academic projects at Carnegie Mellon University, called in 1991 for the creation of a Women's Institute of Engineering. Here is a golden opportunity for acrimonious parties to negotiate. Conceivably, V.M.I. could be persuaded to greatly increase its endowment offer and provide Mary Baldwin with the opportunity to build the first Women's Institute of Engineering. Quite likely, other adjustments to the proposal would also be necessary.

In a context of exclusion from schooling altogether, the opportunity to attend coeducational schools (former boys' and men's schools) was a necessary step toward gender equality. Within a context of inclusion—that is, a climate in which females are no longer excluded from virtually any school—single-gender schools represent a choice; an alternative to the problems existing in coeducational schools. More importantly, they seem to provide a better education for some students. Within this context of inclusion, rather than exclusion, we should look carefully at decisions which will further reduce the possibilities of a choice of a single-sex education for neither males or females.

It was within a context of exclusion that secondary schools for girls and women's colleges were established. And within this context, the underlying assumption, widely held both then and now, was that women's colleges were a temporary, short-term solution on the road to the eventual achievement of coeducation. Retrospectively, it is easy to understand how this view gained currency. Men's colleges, being inaccessible and dominant, were defined as superior. Women's colleges were defined as second-rate, patronized institutions. Thus, continued exclusion from men's colleges was viewed as continued exclusion from equal opportunity to a college education. And in this convoluted process, the relative value of men's and women's colleges, and of coeducation, was never seriously examined.

The time has come for all sides to reconsider this issue. It is time for the Justice Department and the National Organization for Women to pause and re-examine the research and their views. It is time for women's colleges to come forward and state their positions clearly. It is time for all interested parties to consider the benefits of single-gender education alongside the goal of demonstrable gender equality in coeducational schools. One might reasonably expect that the burden of proof should shift to coeducational schools to demonstrate first that they are free of gender bias, second, that they do indeed provide equality of educational opportunity, and third, that they are at least as effective as single-gender schools in terms of achievement. This would replace the current practice, which requires single-sex schools to show greater effectiveness.

It is likely that there is no one "best way" to organize the gender context of schools. Single-sex schools are certainly not for everyone, nor are they likely to be beneficial to anyone over the entire course of an educational career. But they should exist for a small number of students who might select them. Hence, they should be viewed as alternatives to mainstream coeducational schools, and students and parents, especially African-American and Hispanic students and parents, should be given the choice to select them forthwith.

[From the Washington Post, Mar. 17, 1994]

NO OFFENSE, BUT WHAT HAVE THEY LEARNED

(By William Raspberry)

Thank heaven it's not a public school, or St. Stephen's and St. Agnes would be in trouble. No, the private Episcopal school in Alexandria is not overcharging kids, or abusing them, or oppressing them. It's educating them very well.

But it is doing so by (among other things) operating single-sex classrooms for math and science in sixth, seventh and eighth grades.

The rationale for this gender separation is the well-documented fact that, in math and science, girls tend not to do as well as boys of equal intelligence. Whether the difference is the result of nature or merely a socialization, of male-oriented teaching styles or of lower self-esteem for girls, the result often is that girls have their subsequent academic and career choices curtailed.

I've heard all manner of explanations: that girls learn more efficiently by listening, boys by mental and physical manipulation; that girls deliberately under-perform (in mixed settings) to avoid the social cost of being as good as the boys; that teachers (inadvertently, of course) pay more attention to boys than to girls; that girls prefer cooperative learning, while boys turn learning—and everything else—into a competition.

Some of the explanation may not be true. This is: If the St. Stephen's and St. Agnes experiment were taking place in a public school, somebody would be out to stop it.

They just stopped one in Philadelphia, where John Coats, a teacher at Stanton Elementary School, had initiated a model five-year program for a group of 20 first-grade boys who had had learning problems in kindergarten.

The program was working—indeed, it was the subject of a documentary, "I Am a Promise," that reportedly is up for an Oscar. Nine of these erstwhile slow-learning boys made the honor roll. But the program is dead now. The American Civil Liberties Union threatened to file a lawsuit against it on the ground that boys-only classes are unconstitutional, and the school district folded.

Detroit's attempt to establish all-male academies as a way of rescuing boys at risk of becoming dropouts (and worse) ran into similar legal opposition, as did an earlier effort in Miami in which I, quite indirectly, had a hand. My limited involvement was a column I had written on Spencer Holland, then with the D.C. school system and now at Morgan State University in Baltimore. Holland, an educational psychologist, had told me of his dream to establish all-male kindergarten and primary classes, headed by male teachers. Particularly in the inner cities, where young boys may go for days at a time without directly encountering a literate adult male, he thought it might make an important difference.

Willie Wright, a Miami elementary school principal, saw the column, and asked me to help him get in touch with Holland. In the fall of 1987, the two men implemented Holland's idea. As Wright told me later, "It was a total success, academically and socially. There were no fights, no kids sent out for discipline. They not only improved academically, they became their brothers' keepers, something not generally found in low socioeconomic schools. Not a single parent complained. In fact, virtually all of the parents of boys wanted their sons in the classes."

But after two years of unquestioned success, the Department of Education's regional office killed the experiment—said it was a violation of Title IX (of the federal Civil Rights Act) guarantees against gender discrimination.

Where do they get these people who are so solicitous of disembodied "rights" that they are willing to do demonstrable damage to actual children? The explanation, always, is that the way to meet the academic needs of these real-life children is not to segregate them by gender but to make the classrooms fair.

Of course. But it isn't entirely clear that the problem is classroom unfairness of a sort that can be readily corrected. Most elementary schoolteachers (sixth grade is where girls' self-esteem begins to take a downward slide) are women and are unlikely to be deliberately undercutting the self-confidence of girls. Philadelphia's Coats, like Holland before him, thought the boys weren't learning because of the near-total absence of positive male role models in their lives. How do you make the classrooms fair enough to compensate for that?

There's a lot we don't know about educating children. That's what makes it so sad when these self-righteous monomaniacs are willing to kill a program that clearly works for actual children out of deference of the possibility that somebody's theoretical rights might somehow be damaged.

Where, I ask, is the societal gain if our children wind up dead to "rights"?

PROVIDENCE COLLEGE,
DEPARTMENT OF SOCIOLOGY,
Providence, RI, June 30, 1994.

Senator JOHN C. DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH: It has come to my attention that you intend to propose an amendment to the re-authorization of the Elementary and Secondary Education Act of 1994 (S. 1513). I refer to an amendment to establish four demonstration sites across the country for single-gender opportunity (a boy's school and a girl's school) along with a coeducational school at each site. Parents would select the school of their choice. I write to express my strong support for this proposal and I commend you for your vision and your courage.

As an educational researcher and professional sociologist, I have studied the issue of single and coeducational schooling over the past decade. My book Girls and Boys in School: Together or Separate? Summarizes my research as of 1990. Beyond the book, however, I have continued to conduct research over the past four years and my recent work has focused on the outcomes of single versus coeducational schools for African and Hispanic American students. I have already forwarded a copy of an article on this to your staff (Felicia Brown).

In this letter, I want to focus on several concerns germane to the debate over single-gender schools in America, especially as this debate affects the lives of white females, African-Americans, and Hispanic-Americans. Specifically, I will address the following questions:

1. Where does the burden of proof lie on this issue?
2. Who profits most from single-gender secondary schools?
3. Can We Explain This Single-Sex School Advantage?

Where does the burden of proof lie on this issue?

Most Americans take coeducation for granted. Typically, their own schooling has been coeducational; often, they have little awareness of single-sex schools. Our political culture reinforces the taken-for-granted character of American coeducation. It implies that schools reflecting the variety of society exemplify what is best about democratic societies.

Many people also take for granted that coeducation provides equality of educational opportunity for women. Like racial and ethnic minorities, women have long been excluded from the educational process. Thus, many people regard coeducation as a major milestone in the pursuit of gender equality. Since gender education, by contrast, appears regressive. Moreover, single-gender schooling in the public sector is currently prohibited by law.

This historical background has provided a protective halo around coeducation as an institution. Historically, this mode of school organization was never subjected to systematic research. Currently, this protective halo affects the research strategy and logic for comparing single-gender and mixed-gender schools. This "assumptive world" is so deeply ingrained that people will often acknowledge the academic superiority of single-sex schools without realizing the aspersion implied for coeducation. A cursory sample of interviews will reveal that most people view single-sex schools as academically tougher, more rigorous, though perhaps less enjoyable than coeducational schools. In view of this, why should single-sex schools be required to demonstrate that they are more effective?

The salience of this problem was pointed up just recently with the release of the report "How Schools Shortchange Women" which was commissioned by the American Association of University Women Educational Foundation. This study examined more than 1,000 publications about girls and education and concluded that bias against females remained widespread in schools, and was the cause of lasting damage to both educational achievement and self development. These schools are coeducational schools. Within this context, I would argue that the burden of proof should shift to coeducational schools to demonstrate first that they are free of gender bias, second, that they do indeed provide equality of educational opportunity, and third, that they are at least as effective as single-gender schools in terms of achievement. This would replace the current practice which requires single-sex schools to show greater effectiveness.

I understand that the AAUW has voiced opposition to your proposed amendment. As I indicated above, I fully understand the reluctance of some people, especially women, to endorse your proposal in view of the historical exclusion of women. Moreover, even at present, there still exists the exclusion of women from public educational institutions such as VMI and The Citadel. I was asked to testify for VMI and The Citadel, but was unable since it is clear to me that women are indeed excluded and they are not provided with a truly equal alternative. Even the current VMI proposal to provide a "VMI like" education at Mary Baldwin College is inadequate, in my opinion. (By the way, I advised VMI officials to provide sufficient endowment to Mary Baldwin College to enable the school to establish the first engineering school for women—in my view that would have made the schools more than equal and I would have been prepared to testify on their behalf).

But your proposal clearly and carefully avoids the problems endemic to institutions such as VMI and The Citadel. Critics such as AAUW should appreciate this and lend you their support. Single-gender schooling provides a proven method of combating the problems for females that AAUW identifies. And single-gender schooling is also effective for males—and herein lies the bottom line of why some feminists are opposed to it. Despite the full probative extent of my empathy for the historical record of female education, I cannot understand the logic that says, in effect, we will not support an educational policy that helps females as long as it helps males as well. Furthermore, I would argue that it is irrational to fear that single-gender schooling is a step backwards in the broader area of gender equality.

WHO BENEFITS MOST FROM SINGLE-GENDER SCHOOLS?

Single-gender schools work. They work for girls and boys, women and men, whites and non-whites. Research has demonstrated that the effects of single-gender schools are greatest among students who have been disadvantaged historically—females and racial/ethnic/religious minorities (both males and females). On the basis of the research, it appears that single-sex schools provide a greater opportunity for educational attainment as measured by standardized cognitive tests, curriculum and course placement, leadership behavior, number of years of formal education and occupational achievement. Moreover, no negative attitudinal results accrue to students attending single-sex schools.

Yet, white males also obtain an educational advantage from single-gender schools relative to their male counterparts who attend coeducational schools. Although research has reported null effects for white males, I maintain that this is due to countervailing forces. White males gain an educational advantage in single-gender schools due to the same organizational opportunities that provide an advantage for females. It is the case, however, that white males also gain an educational advantage in coeducational schools due to the continued existence of gender stratification. The latter is fully and sadly documented in the above mentioned ASUW report "How Schools Shortchange Girls." Once again, I would address the critics of your proposal by pointing out that coeducation provides an educational advantage to white males at the expense of white females. Of course, since your proposal is aimed primarily at African and Hispanic youth, this issue should not even be relevant.

Among African-American and Hispanic males and females in the United States, my own research findings parallel the results for girls—favoring single-sex schools in both attitudinal and cognitive outcomes. I have found that the effects for African-American and Hispanic males and females are larger than those obtained for white females.

In a new reanalysis (paper sent top Felicia Brown), I have found that both Hispanic- and African-American males and females also display greater gains in leadership behavior in single-gender as opposed to coeducational Catholic schools. Thus, the critics of your proposal stand in the way of increasing the quality of education derived by African- and Hispanic boys and girls.

Let me add that I have access to some preliminary data on single-sex classrooms in a public elementary school that is 98 percent African- and Hispanic-American. Some students in this American public school have been enrolled in a single-gender classroom for the past three years. The grades are 2nd, 3rd, and 4th. The data collected by the principal of the school found that the students in the single-gender classrooms showed significantly greater gains on the NCE reading and mathematics tests, higher attendance rates, lower suspension rates, and higher parental participation rates. In one all-male class of 24, fully 21 of 24 African- and Hispanic-American fathers have attended monthly parent/teacher meetings on a regular basis.

CAN WE EXPLAIN THIS SINGLE-SEX SCHOOL ADVANTAGE?

Single-gender schools provide more successful same-sex teacher and student role

models, more leadership opportunities, greater order and discipline, fewer social distractions to academic matters, and the choice of a single-gender school is a pro-academic choice (females also gain advantages because of significant reductions in gender bias in both teaching and peer interaction, and via access to the entire curriculum).

In a context of exclusion from schooling altogether, the opportunity to attend coeducational schools was a necessary step towards gender equality. Within a context of inclusion; that is, a climate in which females are no longer excluded from hardly any schools, single-gender schools represent a choice, an alternative to the problems that are manifest in existing coeducational schools. These problems are especially salient for white females and minority males and females.

It is likely that there is no one "best way" to organize the gender context of schools. Single-sex schools are certainly not for everyone, nor are they likely to be beneficial to anyone over the entire course of an educational career. But, they should exist for a small number of students who might select them. Hence, they should be viewed as alternatives to mainstream coeducational schools, and students and parents, especially African-American and Hispanic students and parents, should be given the choice to select them forthwith.

Sincerely,

CORNELIUS RIORDAN,
Professor of Education.

THE BROOKINGS INSTITUTION,
GOVERNMENTAL STUDIES PROGRAM,
Washington, DC, June 27, 1994.

Senator JOHN C. DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR DANFORTH, I am writing to support your efforts to add an amendment on behalf of single gender schools to the Elementary and Secondary Reauthorization Act. Educators and parents across the country have been led to believe that a girls' school or a boys' school is unconstitutional, and the U.S. Department of Education has in many ways encouraged this belief. Your amendment, if tightly written, will send a loud and clear and necessary message: Single gender schools are not against the law and are permissible so long as they are equally available for both boys and girls.

During the time that I served as Assistant Secretary of Education for the Office of Educational Research and Improvement in the Bush administration, I commissioned an impartial review of research on single-gender schooling. What the researchers found was that: 1) single-gender schooling seems to be of educational value for girls and minority students; and 2) the number of single-gender schools is diminishing so rapidly that it is difficult to gather research samples.

Well might we wonder why single-gender schools have been almost completely eliminated from the public sector and in dire jeopardy in the private sector when they have educational value for some students. As it happens, single-gender schools are found in virtually every other nation except ours and are usually highly regarded. Last year, the British published their list of the top 50 secondary schools, and 47 of the top 50 were single-gender schools (more were girls' schools than boys' schools).

As I understand the research, the reason that single-gender schooling seems to be so effective for some students is that students are able to devote more concentrated time to their academic studies, free of the distractions of the other sex. In this era of teenage pregnancies and academic mediocrity, American education would be well advised to permit public school authorities to increase the number of schools where the sexes are taught separately.

If I may suggest it, I believe that your amendment does not need to have an Educational Opportunity Advisory Board; nor does it need any funding mechanism controlled by the Secretary. These mechanisms will simply create new hoops for school districts to jump through and concentrate more control in Washington. All that is needed is a clear statement by the Congress that school districts are permitted to create schools exclusively for boys and for girls, so long as both have equal opportunities. Right now, districts across the nation are creating alternative schools, magnet schools, charter schools, and other schools that are different from the one-size-fits-all schools. The districts do not need a federal program, nor a new layer of federal bureaucracy, nor even federal funding. What they need is an unambiguous declaration by the Congress that single-gender schools are permissible reform for those parents and children who choose them.

I wish you the best of luck. This is an important amendment, for it will expand the educational diversity and opportunity that is so badly needed for children who are now at risk of failure.

DIANE RAVITCH,
Nonresident Senior Fellow.

MICHIGAN STATE UNIVERSITY,
DEPARTMENT OF ENGLISH,
East Lansing, MI, July 11, 1994.

Office of U.S. Senator DANFORTH,
Washington, DC.

This is to confirm our recent telephone conversation in which I expressed my unqualified support for the "Improving America's Schools Act of 1993," sponsored by Senator Danforth. This is exactly the type of legislation needed to facilitate programs to educate urban African American males. There is a need to develop experimental programs and to pilot educational research efforts to see what will work to alleviate the crises facing today's Black male youth.

As I mentioned, I was a member of the Detroit Public Schools' Male Academy Task Force, which attempted to establish three elementary schools for Detroit's young Black males back in 1991. Our efforts were thwarted by a lawsuit, spearheaded by the National Organization of Women. As an African American woman with over twenty-five years experience as an educator on both public schools and college levels, I could bear witness to the decline of Black males in schools and society, and so I felt tremendously frustrated with N.O.W. because the European American Women's Movement has no knowledge, and often, so it seems, no concern, about the problems with which we struggle in the Black communities of this Nation. It is true, to be sure, that our daughters are not faring so well, but it is our sons who are dying and whom the schools are failing at astronomical rates. Our sons are dying, and the educational system is failing them. There is no way our community can continue to survive with homes, neighborhoods and families where only one-half of our race is functional. That is why I as a black woman, a single parent, and an educator worked so hard to implement the proposed Male Academy program in Detroit.

Since the Detroit Male Academy was struck down by the courts, the situation there has continued to deteriorate. As of the end of the 1992-93 school year, more African American males, in the age group 15-19, were under the criminal justice system than received high school diplomas as of June of 1993. And Detroit is not unique; these results are repeated in urban areas all across the country. Educational intervention at an early age could have saved some of these young Black boys.

The "Improving America's Schools Act of 1993," if it passes, will enable educators to address such crises. Thus, I wholeheartedly endorse the proposed legislation.

Sincerely,

GENEVA SMITHERMAN, Ph.D.,
University Distinguished Professor, Director, African American Language and Literacy Program.

THE NATIONAL COALITION OF GIRLS' SCHOOLS,
Concord, MA, June 22, 1994.

Hon. JOHN C. DANFORTH,
U.S. Senate,
Washington, DC.

DEAR SENATOR DANFORTH: I write in support of your Educational Opportunity Demonstration Program amendment to the ESEA Reauthorization Act. It will provide a way to assess whether single-sex schools may offer significant educational advantages to both boys and girls in populations which have been designated as "at risk" either for socio-economic or racial reasons.

Based on the positive performance and self-perceptions of graduates of girls' schools, and, to a lesser extent, boys' schools, there is ample reason to believe that single-sex schools provide an environment which is more supportive of academic achievement and the development of self-esteem. For a full review of this issue, I recommend the OERI Special Report, "Single-Sex Schooling," 2 vols., U.S. Department of Education, 1992.

The evidence of gender bias in the educational system has been documented in the research of Drs. David and Myra Sadker of American University. Their recent book, "Failing at Fairness: How America's Schools Cheat Girls" (New York Scribners, 1993) is a call for the very kind of innovative research you request in your amendment.

While I applaud the proactive stance of the AAUW, with funding from the W.K. Kellogg Foundation, to address gender bias in our nation's classrooms, it is uncertain whether such a dramatic change in attitude and action in coeducational schools is possible in the short term. And it is probable that no one course of action will solve the multitude of ills affecting American education.

It is ironic that Title IX, originally intended to encourage gender equity, now actually hampers the public sector's freedom to experiment with alternative programs such as single-sex schools. At present, such models of schooling are available only to parents who can afford a private or parochial school. Parents who must rely on public education are being denied the right to choose from a range of educational options which might better serve their children.

Your amendment would enable educators in the public system to explore other models of schooling which are currently available only in private and parochial schools. There are a few exceptions: two public high schools for girls only, one in Baltimore, the other in Philadelphia, and a pilot program for elementary school African American males in the Baltimore system.

If the amendment fails, a possible solution lies in the already existing model of the magnet school. As you know, magnet schools offer unique educational programs and pedagogies for targeted populations. Requiring a relatively inexpensive reallocation of facilities and staff, these single-sex schools would exist to develop leadership, self-esteem, and achievement for at-risk students of both sexes. They would expand schooling options for parents while helping to resolve the gender bias problem.

Young women and men who have developed a strong sense of self will not countenance racial or gender bias when they reach adulthood. The best preparation may be to give them the experience of equality in an educational environment which supports the optimum development of their potentials and which is free of negative peer pressures that urge young people to drop out of school or have children before they are ready to assume the responsibilities of parenthood.

Ultimately the issue is not whether coeducation or single-sex schools are better. No one school model can serve all students equally well. The issue is whether Americans want freedom of choice in the education of their children. I believe they do, and I thank you for your strong leadership in this regard.

ELSA M. BOWMAN,
President.

HARVARD UNIVERSITY,
DEPARTMENT OF SOCIOLOGY,
Cambridge, MA, June 24, 1994.

Senator JOHN C. DANFORTH,
U.S. Senate,
Washington, DC.

Re S. 1513 vis-à-vis "Improving America's Schools Act of 1933."

DEAR SENATOR DANFORTH: I write in strong support of your proposed Amendment. You will find somewhat similar proposals by me in the March/April 1993 issue of the journal "Society" (Volume 30, No. 3, pgs. 17–24), with the title "Quixotic Ideas For Educational Reform," spelled out at greater length in Introduction to the new paperback edition of my 1964 book of essays, "Abundance For What?", published by Transaction Press of Rutgers University in the fall of 1993.

I might add that I have long been interested in single-sex education for girls and women as well as for boys and men. It was in part as a result of that interest that ever so long ago I met Sister Jacqueline, then the president of Webster College, when it was a woman's college. (I continue to maintain a vicarious interest in Stephens College in your own state of Missouri.)

As a proponent and student of educational reforms, I believe that the single-sex schools that your Amendment proposes may not always prove their value within the short span that the Amendment opens up. But I am sure that you and your co-workers fully appreciate the tradeoff here between the timing appropriate for research and the timing appropriate to make the Amendment politically feasible.

Opposition to the Amendment would seem to me to suggest a fear on the part of some of the groups which have opposed single-sex education for boys, even in the African-American boys at greatest risk, that it might turn out to be successful! My secretary will sign and send off this letter to save time.

Yours sincerely,

DAVID RIESMAN.

UNIVERSITY OF CHICAGO,
DEPARTMENT OF SOCIOLOGY,
Chicago, IL, July 8, 1994.

Senator JOHN C. DANFORTH,
U.S. Senate,
Washington, DC.

DEAR SENATOR DANFORTH: I am writing to support your amendment to provide for an educational opportunity demonstration program involving same-gender classes. The current straightjacket upon educational innovation involving same-gender classes or schools is especially unfortunate, given the importance of increasing achievement and the suggestive evidence that same-gender classes or schools could enhance the achievement of disadvantaged children.

The amendment will provide a valuable opportunity to learn about a virtually costless educational change (allowing children to attend same-gender classes) that could increase achievement. The existing evidence indicates that single-gender schools confer achievement benefits, but there is no research, so far as I know, concerning the effects for disadvantaged males and females. Nor is there the possibility of carrying out such research, because of the legal barriers to single-gender schools.

I strongly support the amendment.

Sincerely,

JAMES S. COLEMAN,
University Professor.

LITTLE ROCK BAPTIST CHURCH,
Detroit, MI, July 5, 1994.

Hon. JOHN C. DANFORTH,
U.S. Senate, 249 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR DANFORTH, I'm the pastor of an urban church and as such I am also responsible for counseling young people on a variety of issues—education being one of the primary subjects. In order to do a quality job with the children, and particularly the young men, I try to keep abreast of the many educational reforms that are underway which will have an impact on their future and the quality of life which lies ahead for them.

I was extremely pleased to learn of your proposed amendment which will alter SB 1513. The current bill does not truly reflect the challenges that face our children today nor does it place accountability in the appropriate arena. Instituting single gender classes for students will provide an environment more conducive to learning rather than the current environment which lends itself to many pitfalls that our children fall prey to. I have discussed this issue with a number of my colleagues and they are all in agreement with the direction you have taken.

I wish you the best in this endeavor and anxiously await a positive outcome. if I can ever be of assistance to you in the future, please don't hesitate to call upon me.

Sincerely,

Rev. JIM HOLLEY, Ph.D.,
Pastor.

Rochester, NY, June 29, 1994.

DEAR SENATOR DANFORTH. I have just read your amendment proposing pilot sites to research the effectiveness of single gender instruction. I am writing to endorse this amendment based on five years experience implementing single gender instruction in ten classes in grades two through five in both a bilingual and regular program setting in a large inner city school in Rochester, NY. This program was strongly supported by staff, community volunteers, and parents. In addition, the preliminary data tended to support national and international studies which lead one inevitably to the conclusion that the burden of proof should in fact lie with the proponents of dual gender instruction. I am bemused by the fact that single gender instruction is a "taken-for-granted" option for the children of the wealthy in this country, and in British public schools, but is assured to be detrimental for the children of the poor in this country. Once again "Savage Inequalities" govern the education of the disenfranchised in this country. Your amendment would offer serious researchers the opportunity to take this concept out of the realm of assumptions and band wagon hysteria and into the realm of hard facts based on research driven data. It would also offer courageous administrators and visionary teachers the opportunity to openly do what works, and what is best for children. Lastly, it would offer parents real choice and say in their children's education. I salute your courage in taking on this emotion laden issue. If you need additional information or assistance please feel free to contact me.

Yours truly,

ANITA BOGGS.

UNIVERSITY OF CHICAGO,
DEPARTMENT OF EDUCATION,
Chicago, IL, July 22, 1994.

Senator JOHN C. DANFORTH,
U.S. Senate,
Washington, DC.

DEAR SENATOR DANFORTH: It's with pleasure that I offer this letter in support of your proposed legislation, S. 1513, "Improving America's School Act of 1993." Considerable evidence has emerged, mostly from studies of schools in the private sector that single-sex schooling can be especially effective for girls. More generally, the pattern of results here strongly suggests that schools specifically designed to educate historically disadvantaged populations—such as women, minority men—may be especially effective in expanding educational opportunities in our society. It is very clear that the current "one best system" of public education has often failed to deliver on this important national aim. I strongly support your proposed demonstration project on single-sex classrooms. It will provide an opportunity for us to learn considerably more about the efficacy of this institutional form which holds much promise for advancing educational opportunities in the United States.

I wish you the best of luck with this legislative effort and I hope you succeed.

Sincerely,

ANTHONY S. BORK,
Professor of Education.

JULY 27, 1994.

Senator JOHN C. DANFORTH,
U.S. Senate,
Washington, DC.

DEAR SENATOR DANFORTH: I am writing to express my support of your efforts "to provide for an educational opportunity demonstration program" through the use of same gender classes and schools.

When I was the Deputy Superintendent in Milwaukee, WI and the General Superintendent in Detroit, MI, I initiated a same gender school for boys because I believed that it was a positive solution to the several problems that have surfaced among too many urban, low-income, male youth. I continue to support this educational option. Unfortunately, a U.S. District Court ruling in 1992 required the schools to enroll female students.

Continued support of this educational option will provide public school parents with

the same options that private school parents pursue. Same gender schools are a viable idea supported by credible research.

My compliments to you for your outstanding decision to promote same gender schooling. It is an educational alternative that promotes excellence and equity for all children.

Sincerely,

DEBORAH M. MCGRIFF, Ph.D.

Mrs. FEINSTEIN. Mr. President, since the time that I spoke on the issue of single-sex education earlier today, Senator DANFORTH has made several alterations to his amendment that have raised concern that perhaps his amendment goes too far, albeit in attempting to achieve a worthy goal. Because of these changes, I would like to clarify my thoughts on the issue of single-sex education and the Danforth amendment.

No one would argue against the proposition that single-sex education can be highly effective for both girls and boys. As private and parochial schools around this Nation have demonstrated, a single-sex educational environment can often provide both the rigor and the nurturing environment that children need in order to succeed academically.

Recently, some public schools have also experimented with single-sex education—most often designing special programs to enhance the education of boys who are considered at risk of failing academically. These pilot programs, which have only been tried for a very short while, often involve establishing a single classroom or a small "school-within-a-school."

These efforts are laudable. However, Senator DANFORTH's amendment goes farther than simply authorizing Federal funds for 10 single-sex demonstration programs. By granting civil rights waivers to public schools, this amendment effectively makes civil rights laws such as title VII and title IX of the Civil Rights Act invalid in those schools for 5 years at a time.

In so doing, these waivers could open up a host of possible unintended side effects, including violations of civil rights protections, sex discrimination, and the erosion of hard-fought integration of our schools.

While I support public and private experimentation with single-sex education, giving waivers to public schools could undercut the equality and integration that are so important to our public system.

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

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

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

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

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—66

Baucus	Faircloth	Mathews
Bennett	Ford	McCain
Bond	Glenn	McConnell
Breaux	Gorton	Moynihan
Brown	Graham	Murkowski
Bryan	Gramm	Nickles
Bumpers	Grassley	Nunn
Burns	Gregg	Pell
Byrd	Hatch	Pressler
Chafee	Heflin	Pryor
Coats	Helms	Reid
Cochran	Hutchison	Rockefeller
Cohen	Jeffords	Roth
Coverdell	Johnston	Sasser
Craig	Kempthorne	Shelby
D'Amato	Kerrey	Simpson
Danforth	Kohl	Smith
Daschle	Levin	Specter
Dole	Lieberman	Stevens
Domenici	Lott	Thurmond
Durenberger	Lugar	Warner
Exon	Mack	Wofford

NAYS—33

Akaka	Feingold	Metzenbaum
Biden	Feinstein	Mikulski
Bingaman	Harkin	Mitchell
Boren	Hatfield	Moseley-Braun
Boxer	Hollings	Murray
Bradley	Inouye	Packwood
Campbell	Kassebaum	Riegle
Conrad	Kennedy	Robb
DeConcini	Kerry	Sarbanes
Dodd	Lautenberg	Simon
Dorgan	Leahy	Wellstone

NOT VOTING—1

Wallop

So the amendment (No. 2430), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2435

The PRESIDING OFFICER. The Chair will state that the pending business before the Senate is amendment No. 2435.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. 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. FORD. Mr. President, with the concurrence of the Republican leader, I now ask unanimous consent that the vote on the Kennedy amendment on which the yeas and nays have been ordered occur at 6:20.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. There is no objection on this side. I have checked with our leadership and 6:20 is agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair will note that the hour of 6:20 p.m. having arrived, the question occurs on agreeing to amendment No. 2435 of the Senator from Massachusetts [Mr. KENNEDY].

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

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is necessarily absent.

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

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

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—99

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

NOT VOTING—1

Wallop

So the amendment (No. 2435) to amendment No. 2433 was agreed to.

AMENDMENT NO. 2436 TO AMENDMENT NO. 2433

(Purpose: To prohibit the use of amounts made available under this Act to make condoms available in a public school unless the program under which such condoms are distributed meets certain local control criteria)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2436 to the amendment No. 2433.

The amendment is as follows:

At the end of the pending, amendment, insert the following:

SEC. . LIMITATION.

None of the funds authorized to be appropriated under this Act may be used to coordinate the delivery of health services including medicine condoms available in a public school unless the program under which such condoms are made available—

(1) has been determined by the local school board to be appropriate and in furtherance of the National Education Goals; and

(2) has been developed in consultation with parents; and

(3) provides information through the school concerning the health benefits of abstinence.

Mr. HELMS address the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RURAL COMMUNITY SERVICE PROGRAM

Mr. McCONNELL. Mr. President, I want to first thank Senator KASSEBAUM, Senator KENNEDY, Senator HATFIELD, and Senator JEFFORDS for working out a compromise on my amendment to establish a Rural Community Service Program under title XI of the Higher Education Act, Public Law 102-325.

Under title XI, an Urban Community Service Program is already authorized to provide metropolitan-based colleges and universities grant assistance in developing programs that address serious urban problems such as unemployment, limited access to health care delivery, and crime. In establishing a rural counterpart, my amendment recognizes that rural areas in America face similar hardships in maintaining their vitality and unique character.

Losses in traditional employment sources like agriculture, natural resource extraction, and manufacturing have left America's rural communities in a desperate struggle to overcome the economic burdens of unemployment and low-wage incomes. Rural areas are also weakened by the exodus of their youth to larger communities, leaving behind growing numbers of impoverished elderly and children. As with the Urban Community Service Program, my rural community service amendment supports the partnership of educational institutions and private and civic organizations in the revitalization of our Nation's rural areas.

I appreciate my colleagues' cooperation and agreement to include this provision. It is my hope that rural communities will realize the successes urban areas have experienced under this program.

Now, I would like to take a few minutes to discuss my views on S. 1513, the Improving America's Schools Act.

Mr. President, Americans are deeply concerned with the direction our Nation's future is taking. Fundamental changes in the job market from hands-on industrial labor to high-technology service delivery, alarming increases in violence and crime, and the burdensome Federal deficit has made the all-American dream seemingly untouchable for many hard-working Americans. In response to these vital concerns, education is viewed as the means to reverse the economic and social decline impacting our home communities and Nation.

Education reform is a topic that raises high hopes and arduous controversy in nearly every community in America today. Everyone can agree that our children need a high-quality, comprehensive education in preparation for the challenges of our Nation's voyage into an unchartered future. However, the difficulties of achieving consensus on how to provide effective, appropriate academic development has been clearly demonstrated in Kentucky's own reform efforts.

In 1989, the Kentucky Supreme Court declared that the disproportionate funding of the State's local school districts violated our State constitution. This action provided Kentucky with the opportunity to revamp and enhance its education system. Since the passage of the Kentucky Education Reform Act [KERA] in 1990, our State has achieved improvement in some areas, but the effort has also evoked deep divisions over the educational standards, instructional methods, and assessment tests applied in the classroom.

During the Senate's consideration of the Goals 2000 bill earlier this year, Kentuckians expressed to me their adamant opposition to federally defined standards and outcomes assessments for State and local educational agencies. Based on their experiences with KERA, these parents were deeply concerned that such requirements could impose greater Federal control over local schools, limit parental and student choice, and promote values-based education over sound academic achievement. I too believe it is essential for reform efforts to enhance, rather than curtail, local schools' responsiveness to the principal support in a child's life—community and family. I supported several amendments to Goals 2000 which offered greater flexibility to local schools, but due to their limited success, I voted against passage of the bill.

S. 1513, the Improving America's Schools Act, takes up the education debate where Goals 2000 left off. The bill would reauthorize the Elementary and Secondary Education Act [ESEA] which provides public schools with financial assistance for a variety of purposes from programs for students with special learning needs to infrastructure development. During the Senate's consideration of S. 1513, we have had the opportunity to evaluate the past performance of America's educational system, establish its academic responsibilities for the future, and clarify its role as a fundamental community-based institution.

I am supportive of several constructive initiatives included in S. 1513. First, the modified impact aid distribution formula will continue to support school districts in Kentucky, and nationwide, whose ability to derive revenue from its local tax base is restricted by federally owned property. Educational infrastructure investment is also a priority as this measure establishes development programs for library media and instructional technology, and provides enhanced professional development for teachers and administrative personnel under an expanded Eisenhower Professional Development Program. In addition, the bill continues to support a number of programs that have achieved significant progress in early childhood education and family support, such as Even Start and the McKinney Homeless Assistance Program.

The Senate's floor discussions on American education have focused on two issues of great concern to me: The most effective use of Federal education dollars and the role of government in the educational duties of schools and families.

First, S. 1513 recommends a new formula for the distribution of chapter I funds. Through chapter I, schools received Federal support for the higher costs of instructing educationally disadvantaged students, the majority of whom are poor. To more effectively direct chapter I resources to States and local education agencies with the most need, the Senate Committee on Labor and Human Resources has recommended a single, "weighted" child grant formula that includes an "effort" multiplier and an "equity" multiplier.

Serious concerns have been raised by Members of the Senate on who will be the winners and losers under the revised chapter I formula, particularly due to its focus on a State's ability to increase taxes for school funding. While the committee's formula proposal made some progress toward targeting funds, I supported the Bumpers/Cochran amendment to replace the "effort" and "equity" factors with an alternative measure of need. The Bumpers/Cochran amendment utilized county income and the number of school aged children in the formula, a method which I believe is a more effective means of targeting chapter I funds to those in greatest need.

Mr. President, when Kentucky began its journey toward a new academic frontier, our State wanted better educational opportunities for our children,

and proof that students are gaining a sound working foundation in basic skills for future employment or the pursuit of higher education. Kentuckians are not alone in their struggle to create an effective, responsive educational system. I am sure that many of my colleagues have heard from parents in their States who are concerned that Federal Government could usurp State and community administration of schools through the imposition of new requirements and controls under this bill.

Several of my constituents have expressed reservation about S. 1513's new criteria for State education plans. In applying for chapter I funds, this bill would require states to develop a comprehensive education plan for disadvantaged students coordinated with the guidelines of related ESEA Programs. For states—like Kentucky—who participate in Goals 2000, the plans must also include content standards, student performance standards, and assessments in accord with this program. For States not participating in Goals 2000, they would have to present a plan that assures equity in the content and student performance standards applied to chapter I and non-chapter I students. In addition, local education agencies would be required to follow this same format to achieve State approval for their chapter I plan.

While the Secretary will have peer review responsibilities over the State plans, S. 1513 clearly states that the U.S. Department of Education may not mandate specific standards or assessments for State and local use. Communities are most aware of the economic and academic factors that impact their schools' ability to respond to the educational needs of all students. I believe this prohibition on Federal involvement in the operation of State and local school systems is essential to ensure that communities retain the authority and flexibility necessary to fulfill their youth's educational needs.

Parents who choose to educate their children in a private school or at home are also troubled that their family's right of choice could be curtailed or negated by the Federal Government. As my colleagues may recall from February, a strong outcry arose among supporters of private and home schools when they discovered that an amendment to H.R. 6, the House's ESEA reauthorization bill, could impose Federal certification requirements on nonpublic school teachers. The House took these concerns seriously, and by an overwhelming vote of 374 to 53, adopted Representative DICK ARMEY'S amendment to ensure that Federal controls cannot be placed on any private, religious, or home school that does not receive ESEA funds. This issue touches at the heart of family choice in education, and I share my colleagues' interest in assuring that S. 1513 also protects nonpublic schools from restrictive Federal control.

Mr. President, the guiding purpose for S. 1513 is the assurance of equitable funding based on need and high academic standards for all students. While S. 1513 does not contain all the refining amendments I have voted to support, it does strike toward a balance between efforts for reform and the preservation of community-based education as a whole.

To show that the concept of excellence in education can become reality for all students, I would like to share with my colleagues a Kentucky Post article that Superintendent Jack Moreland of the Dayton independent schools sent me regarding a local student, Tony Randoll. Because of the dedicated efforts and cooperative support of his teachers and mother, Tony has overcome a number of personal and academic hurdles to become Dayton independent's first graduate to attend Yale University this fall. I ask that a copy of this article appear in the RECORD following my remarks.

I yield the floor.

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

[From the Kentucky Post, May 21, 1994]

BOUND FOR YALE: RESOLVE TO SUCCEED SPRANG FROM HARDSHIPS AT HOME

(By Debra Ann Vance)

In a basement bedroom filled with school medals and trophies, Tony Randoll talks about the part of his life he's come to hate. His mother looks on, but Tony shyly looks away when their eyes meet.

He tells of a brother who used to be on drugs. Sisters who were in and out of runaway shelters, then became unmarried mothers. Three of his four siblings dropped out of high school.

He's been to seven schools. His father? He barely knows him. Once, he was taken from his mother because of abuse.

"I remember sitting a lot of nights and crying to go back home, and then a lot of times I didn't want to go back because of the whole atmosphere," said Tony, an 18-year old senior at Dayton High School.

Tony was in the ninth grade when he decided his life was his. He would take control of it. As he puts it, he would "refuse to lose." Education would be his way out.

Now, the kid who failed seventh grade has a 4.0 grade-point average with perfect attendance. He's a track star, the senior class president and a Governor's Scholar. He's on the school newspaper and annual staff. He's vice president of the National Honor Society. He's the winner of state and national contests in Distributive Education Clubs of America. And he's been accepted to Yale University—a feat no other Dayton student has accomplished.

At Yale, he will major in biology and physics. The university is picking up the cost and most of his education—more than $100,000 over four years.

Tony figures he could not have made it without teachers who care. When he couldn't afford to go to national DECA contests in California and Florida, teachers paid his way. A teacher picks him up for school, another takes him home.

Nor, he said, could he have made it without his mother, Jo Ann Randoll. Mrs. Randoll said she has always worked, but got hurt and has been unemployed for two years. Her unemployment benefits ran out and she doesn't qualify for Social Security. She and Tony survive on $206 a month in food stamps. What she can't give him in material goods, she makes up by giving her support and advice.

"I tell him you can't feel sorry for yourself," said Mrs. Randoll, who makes a point of attending Tony's school functions in addition to time she spends at the school to learn computer skills she hopes will lead to employment.

"Because of the hard life we've had, I've tried to instill in him to make the best of everything.

"I tell him, just remember, somewhere down the road somebody's got it worse than you do. Apply for everything and go for the best."

They've moved several times. After a home was condemned, Tony lived with friends, but mostly the family moved back and forth to live with relatives. Last month, they moved in with Mrs. Randoll's mother in Silver Grove.

Because they don't have permanent housing, the school considers Tony homeless. As Tony put it:

"We really don't have anyplace to live except wherever we can find a place to stay."

Tony enrolled in Dayton in the ninth grade—two weeks after school had begun. Spanish and math teacher Mary Anne Duchin told him to come in after school if he wanted to catch up on things he missed.

"He did. He cared," Mrs. Duchin said.

"I've told students before that, and since then, and he's been the only one to come in.

"Two days later, I was picking him up for school."

At their first after-school session, Mrs. Duchin recalled, Tony told her, "I'm going to do great things with my life."

"And I said, 'I believe you.'"

Tony is still setting high goals for himself. He wants to write. He wants to be an astronaut. He wants to be a genetic engineer.

"I'll be on a mission to Mars," he explained, "looking for samples of life where a genetic engineer would be required. Then I would write a book about the whole thing."

He likes to sing, dance and hang out at Hardee's with his friends. Most of his friends and classmates don't know of his home situation.

He was surprised to learn from teachers and classmates that students look to him as a leader. They look at what he's wearing. They want to know his attitude on certain subjects.

What his friends also don't know is that sometimes Tony is envious of the clothes they wear. They don't know that the one possession he wants most is something they already have—a class ring.

"Most of my friends all got theirs when we were sophomores," Tony said, dropping his head after looking at his mother. "I never brought it up. Because I knew she didn't have the money, and I didn't want to make her feel bad."

His mother promises he will get a ring.

Earlier this year, it wasn't a ring Tony needed. It was a place to live. The family had moved in with Mrs. Randoll's mother, but that house grew too crowded.

They moved in with another relative, who lived in government housing. Regulations forbade them from staying.

Another relative took them in for a while, but, when she moved to the country, the

Randolls were in need of a roof over their heads again. They ended up back where they started.

"This was the time I thought we would have to live in the car," Tony said. "I was kind of confused. I didn't understand how my mom worked hard all her life and she doesn't have anything to show for it. It's a pretty sad thing.

Tony thought he would have to quit school activities and get a job to help out. His mother wouldn't hear of it.

Mrs. Randoll says her son is "heaven-sent." Mrs. Duchin says he is special.

"He has better bounce-back ability than anybody I've ever seen in my life," Mrs. Duchin said.

"He has an inner strength that an awful lot of people don't have. Though I've seen it in other kids who kind of blossom if you let them know you care."

When he thinks about his situation, sometimes Tony cries—not for himself, but for his brother and sisters and others in society like them.

"I feel like there is something I should be doing, but I don't know what to do," he said.

That makes him more determined. He constantly recites the words of author William Blake. "No eagle soars too high if he soars with his own wings."

"That means you can do whatever you want if it's something you want to do for yourself and you set your heart and mind to it," Tony says.

"I don't want to become a nobody."

Most of the time Tony tries to block out his home life. But he's not ashamed of it.

"I am proud of where I came from, though," he says, "because I know where I am going—to success."

OFF-RESERVATION INDIAN BOARDING SCHOOLS

Mr. CONRAD. Mr. President, I rise today on behalf of Senator DORGAN and myself to offer an amendment to S. 1513, the Improving America's Schools Act of 1994. Our amendment would provide the Secretary of the Interior with the authority to establish, through the Bureau of Indian Affairs, therapeutic model demonstration projects at two off-reservation Indian boarding schools. The purpose of these therapeutic models would be to achieve positive and much-needed changes in the social, psychological, and academic well-being of the Indian students who attend these schools.

My own experience with the Wahpeton Indian School in North Dakota has given me valuable insight into the lives of what is unquestionably a very high-risk student population. Off-reservation boarding schools such as Wahpeton have become destinations of last resort for youth from broken homes, youth with learning disabilities, youth with discipline and chemical dependency problems, youth with nowhere else to turn. This past June, the Senate Indian Affairs Committee sponsored a hearing on the state of off-reservation boarding schools. Expert testimony from an Indian Health Service official confirmed that "More and more, Indian children and adolescents with multiple needs and problems, particularly behavioral health problems, make up the student populations of boarding schools."

Unfortunately, these schools have for most of their existence attempted to function as traditional educational institutions, when it has long been apparent that a more therapeutic, nurturing approach to student needs is necessary. A variety of witnesses at the June hearing—including officials from the Bureau of Indian Affairs and Indian Health Service and representatives from a number of different boarding schools—testified in support of converting these institutions into the kind of therapeutic residential models prescribed by the Conrad-Dorgan amendment.

The therapeutic model would provide an emotionally and physically secure alternative home environment. The staff would no longer include only educators and dorm monitors but also health and social service professionals, including child psychologists and substance abuse counselors.

Our amendment would assist all seven of the Nation's off-reservation boarding schools in making the eventual transition to a therapeutic model by granting the Secretary of the Interior the authority to select two schools as demonstration sites and to provide the additional resources these facilities need to implement the model. The two models—one to be implemented at a BIA-controlled school and the other at a tribally controlled grant school—would serve as pilot projects for school years 1994–96, laying the groundwork for the future conversion of other off-reservation boarding schools.

I should remind my colleagues that this amendment requires no new appropriations, but rather grants the Secretary the authority to redirect resources within the Department of the Interior budget to establish the therapeutic model. Our amendment also grants the Secretary the authority to limit the student enrollment at the demonstration projects to ensure that each school accepts only as many students as it can effectively serve.

I want to thank my colleagues on the Indian Affairs and Labor and Human Resources Committees, as well as their staffs, for providing their support and assistance during our work on this amendment. Senators INOUYE, MCCAIN, KENNEDY, PELL, KASSEBAUM, JEFFORDS, HATFIELD, and SIMON have been particularly helpful. I, of course, also want to thank my colleagues from North Dakota, Senator DORGAN and Congressman POMEROY, for their assistance in crafting this important measure.

I should further note that this amendment was developed in close conjunction with officials from the Bureau of Indian Affairs' Office of Indian Education and representatives of the Wahpeton Indian School Board. I believe development of the therapeutic model is an essential step in improving the state of Indian education and I urge my colleagues to accept this amendment as part of the Improving America's Schools Act.

CHAPTER ONE FORMULA

Mr. BENNETT. Mr. President, I rise in support of the Hatch amendment. As the debate over the last few days has indicated, it is difficult to craft a formula where everyone feels like they are treated fairly—especially when Federal resources may be lost. However, I believe that sound policy must dictate how formulas are written—and the chapter 1 formula needs some adjustments.

There are a number of legitimate factors that are included in the chapter 1 formula. The committee amendment includes four factors. However, the bottom line is that the current chapter 1 formula does not allocate Federal resources to reflect the demographics we have in 1994. It is reasonable to expect that States that have an increase in disadvantaged students will receive an increase in Federal resources. The formula included in S. 1513 is an improvement over what we have, and I appreciate the work of the Labor and Human Resources Committee. However, more could be done.

The amendment we are considering is based on sound policy. The amendment affects the equity bonus, removing the bands that limit the effect of this factor. Thus, this formula will be applied in a more even-handed fashion. I understand and recognize the need to protect States from a radical shift in funds in 1 year. In fact, this amendment contains a transition period. However, if we never allow the legitimate shift in resources to occur, we will maintain the status quo perpetually.

Chapter 1 needs change. Many States have received more than their fair share and benefited at the expense of disadvantaged students in other States. While the chapter 1 formula is beneficial to every State and most school districts, we must keep in mind that this formula isn't written to benefit States and districts—it is to help disadvantaged children. And these children have been penalized by politics for too long.

I thank the senior Senator from Utah for his leadership in making this formula more equitable, and urge my colleagues to support the Hatch amendment.

THE TITLE I FORMULA

Mrs. BOXER. Mr. President, I rise today to express my deep concern about the title I funding formula reported by the Labor and Human Resources Committee in S. 1513, the Improving America's Schools Act.

Title I is the largest Federal elementary and secondary education program designed to meet the needs of poor, low-achieving students. Funding has always been partially based on the number of poor children in each State, and in this reauthorization bill the committee tried to better target the

funds to where they are needed most. Unfortunately for California, the formula developed by the committee fails to meet that goal.

In California, the number of school-age children living in poverty increased by 38 percent between 1980 and 1990. Title I funds and the programs they support are critical. Yet, under the committee formula California would receive over $20 million less in funding than it would under current law.

Why is the committee formula so unfair to California? One reason is the 100 percent hold harmless provision in the first year, which favors States with declining child poverty rates at the expense of States, like California, where child poverty rates are growing.

The committee title I formula also contains two new factors—the effort factor and the equity factor. The equity factor is designed to reward States in which spending per pupil on education is equal, or nearly equal, in all school districts within the State. Senator HATCH's amendment made changes to this factor which provide an additional $13 million to California. I am pleased that his amendment was accepted, and believe that it should be retained in the final conference report, if the committee's formula prevails.

The effort factor is intended to measure the effort States make to educate poor children. It is a ratio of State per pupil spending to State per capita income. However, State per pupil spending is an inaccurate measure of the effort States make to educate children, and works to decrease California's title I allocation.

California is ranked 41st in the Nation on State per pupil expenditures. In 1991-92, California spent only $4,419 per pupil, compared to an average of $5,713 nationwide. California also has over 4 million children enrolled in kindergarten through grade 12—one of the highest in the Nation. With such a large number of school-age children, California has less to spend on each child than States with a smaller school-age population.

State per pupil spending is also a poor measure of a State's effort to educate children because it does not take into account the true cost of education. Other indicators, such as average teacher salary, are more reflective of State differences in the cost of education. In 1992, California ranked seventh in the Nation in instructional salaries.

California is penalized twice in the formula for low State per pupil expenditures because the cost factor, which calculates the cost of educating poor children in each State, also uses this measure. As a result, California's title I allocation is reduced by an estimated $500 per pupil.

I had hoped the Senate would adopt an amendment offered by Senator FEINSTEIN and myself to remove the new effort factor from the formula. It would have increased the title I allocation for 28 States by roughly 1 to 4 percent. California would have gained an additional $44 million. The amendment also would have restored the current practice of counting poor children receiving AFDC as eligible for title I funds.

Unfortunately, it was clear after the Hatch amendment was accepted that the Senate would not support further formula changes.

The Labor and Human Resources Committee states that the title I formula in S. 1513 is fair and equitable, and takes into account what funding States have had under the program, and what they will need to adequately serve their poor students in the future. Even with the changes made by the Hatch amendment, California receives less funding than it would under current law and the effort factor will reduce California's allocation in the future. As a result, California will not be able to adequately serve its poor students—the number of which are growing.

We must now work to address these inequities for California in the conference committee. I hope my colleagues will join me in supporting a title I formula that meets the goal of targeting more funds to those States with the largest number of children in poverty.

Ms. MOSELEY-BRAUN. Mr. President, as I have previously stated, I am proud to be a cosponsor of S. 1513. Our Nation must maintain quality public education for everyone—and that is exactly what the Improving America's School Act is all about.

I have said it before and I will say it again and again: Education is fundamental to our democracy and essential to the functioning of our democratic institutions. 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.

Education, public education specifically, is more than a private benefit to individuals, it is a public good to us all. How well a democratic society is able to function depends in large part on the opportunities available to its citizens. That connection is seen in everything from crime statistics to health status, to electoral participation, and international competitiveness.

Mr. President, S. 1513 would help our Nation increase its international competitiveness 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.

Although this legislation would not require States to adopt any specific standards, it would direct them to develop standards that challenge all of their students to meet high skills rather than remedial skills.

Mr. President, the General Accounting Office recognized the need to challenge all Americans to acquire high skills in a recent report that found that the United States is lagging behind some of its primary international economic competitors—including Japan and Germany—in providing young people with the academic and technical skills that employers need.

Laura Tyson, chairwoman of the Council of Economic Advisers, reaches this same conclusion in her article entitled, "The Dynamics of Trade and Employment." She states:

> A high-tech America requires a work force that has the skills and training that are needed to use the new technologies. The U.S. educational system from kindergarten through college must be modified to meet these new requirements if American workers are to be able to compete in the world economy with rising rather than falling wages.

Mr. President, I couldn't agree more. Laura Tyson has put her finger on a serious problem and her analysis is right on the money. I agree that education must be among our top priorities and that education has a direct relationship to the success of our economy in general and to the prosperity of American workers in particular.

Our principal economic competitors, including Germany and Japan, understand very clearly how important education is. While American elementary and secondary school students attend school for an average of 180 days a year, their counterparts in Germany and Japan attend school for 243 and 226 days, respectively.

It should, therefore, come as no surprise that American 13-year-olds ranked 14th out of 15th in an international study conducted by the International Assessment of Education Progress [IAEP] on mathematic achievement.

Mr. President, the availability of educational opportunities in the United States not only affects our international competitiveness and our ability to compete in the emerging global economy, it also affects electoral participation, health status, and crime in our country.

I firmly believe that S. 1513 can help to improve the well-being of our Nation's citizens by increasing the authorization level for ESEA programs to $12.5 billion and by targeting more of these funds to disadvantaged children.

Mr. President, recent studies have found that the majority—61 percent—of young people in juvenile justice facilities have a median education level of 8 years.

Other studies have found that almost 80 percent of the children born to unmarried teenage parents who dropped out of high school now live in poverty while only 8 percent of the children born to married high school graduates aged 20 or older are poor.

S. 1513 would address these problems by increasing the authorization for title I funds and by targeting more of them to low-income children. Since the current formula allocates title I funds to poor children without increasing grants to school districts according to their poverty rates, local school districts in the highest poverty quartile currently receive 50.5 percent of title I funds for 50.6 percent of all poor school-age children.

The title I formula would target significantly more funds to local school districts and schools with high concentrations of disadvantaged children. According to the Congressional Research Service, this new formula would increase the share of title I funds going to the highest poverty quartile from 50.5 percent under current law to 54.1 percent while reducing the share of title I funds going to the lowest poverty quartile from 6.4 percent to 3.8 percent.

By increasing our support for education, we can enhance our society's return on its investment a thousand fold—through savings in welfare, drug addiction, and crime programs.

Yet, although it is very clear that it is in all of our interests to increase the Federal share of public education funding, the American system of public education has historically given local school boards primary responsibility over our Nation's public schools.

For a long time, local school boards were able to meet that responsibility. However, the ability of local school boards to continue to meet that responsibility has steadily declined.

To support our Nation's public schools, local school boards rely on local property taxes. And, as we all know, school boards in every State in the country are finding it increasingly difficult to support their academic programs, much less their school facilities, with local property taxes.

Mr. President, local property taxes are an inadequate source of funding for public education because they make the quality of public education dependent upon local property wealth.

Two districts in Illinois illustrate the gross disparities created by our current school financing system.

In 1990, the owner of a $100,000 home in a prosperous community paid $2,103 in local property taxes. This community spent an average of $10,085 per child in its public schools. On the other hand, the owner of a $100,000 home in a low- and moderate-income community with fewer resources paid $4,139 in local property taxes, almost twice as much, even though that community was able to spend only $3,483 on each of their public school students—less than one-third of the money the more prosperous community was spending.

In 1992, 57 percent of voters in Illinois voted to address the problems created by our system's reliance on local property taxes by directing the State to increase its share of public education funding. The voters of Michigan also voted recently to shift funding for public education away from local property taxes to more equitable sources of funding.

Nonetheless, the Federal Government as well as most States continue to force local school districts to rely increasingly on local property taxes for public education. In Illinois, for example, the local share of public education funding fell from 48 percent during the 1980–81 school year to 58 percent during the 1992–93 school year, while the State's share fell from 43 to 34 percent during this same period.

Mr. President, the Federal Government must also accept a share of the blame for failing to provide students throughout the country with quality public educations. In just the last decade alone, the Federal Government's share of public education funding has dropped from 9.8 to 6.1 percent.

I support local decisionmaking, however the Federal Government has an obligation to at least contribute a fair share of the costs.

S. 1513 would promote increased funding for education by raising the authorizations for programs authorized by the Elementary and Secondary Education Act [ESEA] to $12.5 billion in fiscal year 1995.

Yet 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.

For example, title II of S. 1513 would amend the current Eisenhower Math and Science Program in order to provide teachers in all core academic subject areas—not just math and science—with sustained and intensive professional development. This legislation would continue to focus on professional development in mathematics and science by directing States to "take into account the need for greater access to, and participation in, such disciplines by students from historically underrepresented groups."

Nonetheless, title II would also authorize the Secretary of Education to use Eisenhower Program funds to train educators how to meet the educational needs of historically undeserved populations including females, minorities, individuals with disabilities, limited-English proficient individuals, and economically disadvantaged individuals in all core academic subject areas.

Mr. President, S. 1513 would also amend the fund for innovation in education program in an important way by authorizing the Secretary of Education to support activities that promote child abuse education and prevention programs.

Child abuse and neglect have reached crisis proportions in the United States. Child abuse is now the leading cause of death for children under 5 with over 2 million cases each year. In 1991, the Department of Health and Human Services reported that 1,383 children died from abuse and neglect in 1991. The National Association of Social Workers has found that reports of abused and neglected children have increased by approximately 150 percent between 1979 and 1991.

In addition to the physical injuries they sustain, abused and neglected children are left with emotional scars that often never heal. If left unreported and untreated, these scars can prevent such children from ever becoming full participants in society. In fact, they can also lead children who are abused later to become abusive parents themselves.

Title VIII of S. 1513 would address this problem by authorizing the Secretary to support programs like the seminars organized by the Greater Chicago Council of the National Committee to prevent child abuse and the education video—"Kids and Company"—produced by the National Center for Missing and Exploited Children that train educators how to recognize possible cases of child abuse and neglect and how to discuss these issues with children.

Mr. President, S. 1513 would also promote gender equity by authorizing most of the "gender equity in education packages." Senators KENNEDY, SIMON, HARKIN, MIKULSKI, and I introduced several bills last year as a cooperative effort to address the widespread gender inequities in our Nation's schools. These bills, which are collectively known as the gender equity in education package, include the Equity in Education Amendments Act, the Women's Educational Equity Restoration Act, the Fairness in Education for Girls and Boys Act, and the Equity in Athletics Disclosure Act.

All four of these bills are important because they will help the Secretary of Education enforce title IX of the education amendments of 1972—the principal Federal law prohibiting sex discrimination in education.

S. 1513 includes much of the gender equity in education package. However, one major component, the Equity in Athletics Disclosure Act, is not yet included in the Improving America's Schools Act. I will soon be offering an amendment to make this final gender equity initiative a part of S. 1513.

S. 1513 would authorize another very exciting Federal initiative designed to provide all students with school environments which are conducive to learning.

Title XV of S. 1513, the Education Infrastructure Act, would authorize the Secretary of Education to allocate $400

million directly to local school districts for the repair, renovation, alteration, and construction of public elementary and secondary school facilities.

Several studies have shown that our Nation's education infrastructure needs total about $125 billion; $84 billion for new construction; and $41 billion for maintenance and repairs. Other studies have shown that our Nation's education infrastructure needs are great in both urban and rural districts alike. The Council of Great City Schools has reported that New York City, Chicago, Los Angeles, and Detroit each need more than $1 billion each to repair old school buildings and build new ones. Education researchers have also found that one-half of our Nation's rural school buildings are unsafe, inadequate, and inaccessible to disabled students.

Under this title, the secretary of education would distribute title XV funds directly to local school districts to help them repair facilities that pose a health or safety risk to students. This title would also help local school districts meet the requirements in: First, section 504 of the Rehabilitation Act of 1973; second, the Asbestos Hazard Emergency Response Act of 1986; and third, the Americans With Disabilities Act of 1990.

Finally, title XV would also help local school districts upgrade their facilities to accommodate new instructional technology. Although the Quality Education Data Co. estimated that 98 percent of elementary schools have computers, the Office of Technology assessment estimated in 1986 that it would cost $4.2 billion a year for 6 years to bring the students to computers ratio down from 30:1 to 3:1. Title XV would help local school districts achieve this goal by helping them make their facilities technology-ready.

Mr. President, I would like to conclude my remarks by reiterating that education is an investment in our children and an investment in our future. Given what our international competition is doing, we cannot afford not to make the investments in education and job training that are so critically necessary to respond to the challenges from abroad.

Laura Tyson has said that a country's people may be its most precious resource. I share that view, and I think we must all dedicate ourselves to giving Americans the opportunity to fully utilize their talents—and not just because it is the right thing to do, but also because it is the best thing to do for our economy and for the future of our country. I urge my colleagues to vote for S. 1513.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. I now ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

HASBRO AWARDED FOR SAFETY FEATURE

Mr. PELL. Mr. President, I would like to call to the attention of my colleagues a ceremony that took place at the National Press Club today.

Alan Hassenfeld, chairman of Hasbro, Inc., headquartered in Pawtucket, RI, received a chairman's commendation from Ann Brown, chair of the U.S. Consumer Product Safety Commission. He is only the second recipient of this award.

Mr. Hassenfeld and Hasbro received this prestigious award for the work done by the Playskool division of Hasbro to develop a child's high chair with a protective restraint bar that prevents children from slipping out of the chair.

The Consumer Product Safety Commission estimates that since 1988, 19 children have died from strangling injuries suffered from high chairs without such devices. That senseless loss of life is most unfortunate and will no longer be necessary.

Mr. President, I am immensely proud that the men and women of Hasbro and my good friend Allen Hassenfeld have been so honored. All too often, the Consumer Product Safety Commission must warn us of the dangers of consumer products. I am pleased, as I am sure the Safety Commission is, to be able to call attention to products that have been designed safer by their maker.

THE LIFE OF JOHN J. DRISCOLL

Mr. LIEBERMAN. Mr. President, I rise today to honor the memory of a man who was an important part of the legacy of Connecticut, John J. Driscoll, who for nearly a quarter century served the State and its workers as the leader of the AFL–CIO.

I share with my friends in the labor movement in Connecticut a profound sense of loss as the news of the passing of John Driscoll on Friday, July 22.

John Driscoll loomed large in the history of 20th century Connecticut, and thanks to his spirit and drive, working conditions for thousands of workers and the living conditions of their families steadily improved. He was a real champion in the fight for better wages and benefits, health and safety concerns, and constructive relations between union, management, and government. It was an honor to know him and work with him for the betterment of our State and its people.

A philosopher once said, "an unemployed existence is a worse negation of life than death itself. Human life, by its very nature, has to be dedicated to something." John Driscoll's life was dedicated to fighting to keep people employed, and to keep people employed with proper compensation and working conditions. In essence, John tried throughout his life to make the American Dream come true for as many of his brothers and sisters in the labor movement as he possibly could. He was remarkably successful in that effort, and for that we are all very grateful to him.

I extend my condolences to the family of John Driscoll and to his many, many friends at this sad time. Though John is gone, his fight for a better life for the working men and women of Connecticut lives on.

GRAZING FEE INCREASES

Mr. JOHNSTON. Mr. President, on June 16, Senator WALLOP and I wrote to Secretary Babbitt and Secretary Espy requesting their views concerning a news release issued by the Public Lands Council which raised questions about the potential effect of grazing fee increases of Farmers Home Administration [FmHA] direct loan borrowers.

We have now received a replay to that letter which, I believe, responds to those questions in a very direct and satisfactory manner. I ask unanimous consent that a copy of the June 16 letter to Secretaries Babbitt and Espy appear in the RECORD at this point, along with their response.

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

U.S. SENATE,
Committee on Energy and Natural Resources, Washington, DC June 16, 1994.

Hon. BRUCE BABBITT,
Secretary, Department of the Interior, Washington, DC.

Hon. MIKE ESPY,
Secretary, Department of Agriculture, Washington, DC.

DEAR SECRETARY BABBITT AND SECRETARY ESPY: We understand that the Department of Agriculture has recently released data requested by the Public Lands Council relating to the potential impact of higher grazing fees on ranchers with Farmers Home Administration loans.

In a news release dated June 13th, the Public Lands Council alleges that this data contradicts earlier statements by Secretary Babbitt and others that the fee increases contained in the Administration's proposed grazing regulations would not have a significant financial impact on large numbers of ranchers who utilize the public lands for grazing.

We are writing to request that you provide the committee with a detailed response to these allegations, along with your interpretation of the USDA data, as soon as possible.

With kindest regards, we are

Sincerely,

BENNETT JOHNSTON,
Chairman.

MALCOLM WALLOP,
Ranking Minority Member.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC., July 26, 1994.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter dated June 16, 1994, in which you share your concerns regarding the recent news release issued by the Public Lands Council (PLC). We are familiar with the PLC's statement, and because it is critical of the Administration's Rangeland Reform '94 proposed regulations, we appreciate having the opportunity to address these issues.

The PLC statement, which focuses on the potential effect of grazing fee increases on Farmers Home Administration (FmHA) direct loan borrowers who graze public lands, was based upon an informal survey conducted by the FmHA in New Mexico, Wyoming, Montana and Colorado. It is important to keep in mind that fewer than 7 percent of all federal grazing permittees and lessees are FmHA borrowers—more than 93 percent of these permittees have found it unnecessary to rely on FmHA financing. Before an applicant can qualify for a FmHA loan, it must be shown that the applicant has been refused financing by commercial lending institutions. FmHA estimates, upon which the PLC analysis was based, indicate that only 357 FmHA borrowers who graze public lands in the four states surveyed, out of a total of approximately 13,300 federal permittees in those states, may have problems meeting their cash-flow projections if grazing fees are increased as proposed for the 1994 crop year and no other actions are taken. This amounts to only 2.68 percent of all federal grazing permittees in the four states.

Accordingly, the results of the FmHA informal survey are consistent with the Draft Environmental Impact Statement for Rangeland Reform '94, which found that most federal grazing permittees are not marginal operators. Similarly, a recent study conducted by the Economic Research Service of the U.S. Department of Agriculture (ERS), entitled Cow/Calf Ranching in Ten Western States (May 1994), concluded that "ranchers with permits to graze cattle on federal land enjoyed higher net earnings than ranchers without such permits, both per cow and per hundredweight of cattle sold."

Nevertheless, it is important to understand the limitations of the information generated by the FmHA survey. In contrast to the ERS study, the FmHA survey was not scientific; its conclusions were based upon informal telephone interviews with FmHA district managers. FmHA methodology allowed for subjective responses and, according to FmHA Administrator Michael V. Dunn, could have an error rate of as high as 20 percent.

FmHA did not take into consideration the planning and budgeting process that each applicant/borrower undertakes annually. Failure to do so may have resulted in negative cash flow impacts being misstated. Each year an FmHA applicant prepares a farm cash flow plan that projects the following year's income. Plan projections are based on five years of historical data, including the applicant's actual records of production, marketing expenses, and income. The borrower may make adjustments in the farm plan to conform to market or other changes.

Moreover, the district managers employed different methodologies to identify borrowers who might be marginal—some district managers included permittees with small cash flow margins in the negative cash flow category without performing further analysis; other district managers arbitrarily selected a number representing an estimated fee increase and subtracted that amount from the borrowers' 1994 projected cash flow margins; and still others dropped from their sample borrowers that held very small federal permits.

Finally, even in the case of a FmHA borrower who confronts potential cash flow problems, FmHA routinely provides assistance in the form of primary loan servicing options, which are designed to help farming families adjust to various adverse economic impacts. These include deferred payments, rescheduling and reamoritization. FmHA local officials work closely with direct loan borrowers to develop packages of loan serving options that, in most cases, resolve problems that emerge and avoid loan defaults.

The proposed grazing regulations also provide that the Department of Agriculture and the Department of the Interior will continue to review and assess the impact upon federal permittees of increased grazing fees. If, following implementation of Rangeland Reform '94, we determine that grazing permittees are suffering undue hardship as a result of the higher fees, we can revisit the amount of the fee and make adjustments as necessary.

We hope that this information is helpful to you, and we remain available to discuss these issues with you at any time. An identical letter is being sent to Senator Wallop.

Sincerely,

BRUCE BABBITT,
Secretary of the Interior.

MIKE ESPY,
Secretary of Agriculture.

JAMES FRED RIPPY, JR.

APRIL 17, 1918–MAY 24, 1994

Mr. HELMS. Mr. President, the news media reported that the end came for Fred Rippy on May 24, but it was not the end at all—it was the beginning. You might call it graduation day, a day when the Lord beckoned for a faithful soul to come up and assure more smiles, more joy, and more love among the armada of heavenly angels. It is possible to imagine Fred's being fitted with special wings, perhaps, at his request, with tiny insignia reading Cadillac or Oldsmobile amidst the feathers or whatever angels' wings are made of.

Please forgive my imaginative observations, Mr. President, but you would have to have known Fred Rippy to understand such fanciful notions about a man everybody in Wilmington, NC, loved and respected. Each of us who knew him best and loved him most can see him, in our mind's eye, persuading St. Peter that Heaven would be even a bit better if a fleet of Cadillacs could be secured to travel the golden streets.

Mr. President, Fred Rippy was successful at everything he ever decided to undertake—as a Phi Beta Kappa at the University of North Carolina from which he was graduated; as a husband, father, grandfather; as a good citizen; as founder of Rippy Cadillac/Oldsmobile. He sold a lot of cars because people trusted him and enjoyed doing business with him. He had a bit of Will Rogers in him—he never met a man he did not like. Which was vice versa with everyone who ever met Fred Rippy.

My purpose today, Mr. President, is to share with Senators the splendid tribute paid Fred Rippy by his minister, Rev. Robert F. Bardin, whom everybody calls Bob. Bob Bardin, Fred's pastor at St. Andrew's Presbyterian Church in Wilmington, choked up a time or two as he delivered his gentle, loving graveside homily on May 26. Years ago, Fred had specified no formal church service, just a gathering of any friends who felt inclined to come.

I want Senators to have an opportunity to read what Bob Bardin said on that Saturday afternoon when hundreds of friends gathered to pay their respects to their friend, and to express their love for Marian, and the Rippy children and grandchildren.

I was touched by the reaction of the throng as Reverend Bardin delivered his homily. There were tears, yes, but there were smiles too—and nods of agreement. I think you will see why, Mr. President, when you ponder what that young minister said about the remarkable James Fred Rippy, Jr.

I ask unanimous consent, Mr. President, that the text of the Service of Witness to the Resurrection be printed in the RECORD at the conclusion of my remarks.

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

WITNESS TO THE RESURRECTION OF JAMES FRED RIPPY, JR.

(By Rev. Robert F. Bardin)

Make a joyful noise to the Lord! So begins the 100th Psalm. Life is filled with joyful noise, particularly when life is as well lived as Fred Rippy lived it. The joyful noise of life welled up in him, spilled out of him, drenching us with gladness. Isn't that why the silence since Tuesday night seems so soundless?

Joni Mitchell sang of a paradox in one of her songs: "Don't it always seem to go that you don't know what you've got til it's gone." So it is that this shocking silence in the aftermath of Fred's death helps us to fully appreciate the joyful noise of his life. In this quite moment, I want to help you hear this joyful noise again, and to give thanks for it.

In the silence, I hear a song—one that some of you have danced to, a song that Fred sang with his life and attitude every day. If I were braver, I'd sing it, because it's better when it's sung. But let me at least say it for you:

You've got to ac-centuate the positive
E-lim-i-nate the negative
Latch on to the affirmative,
And don't mess with Mr. In Between.

You don't need me to tell you that our world is chock full with cynical, whining Eyores, and with weatherfolk, who on the sunniest day, will find and focus on the tiniest cloud on the most distant horizon. The weatherman this morning said that the greatest chance of rain all week would come on this day. It had to be that way. So that in the silence of this moment, we could hear

Fred Rippy say, "Don't worry, it's not going to rain!" In Fred Rippy's world, it never rained. And if it did, then the rain came simply to make possible a rainbow that would certainly follow. In the silence, we can still hear the joyful and positive witness.

Let me share another of the joyful noises from this life that I hear in this silence, and you tell me if I'm right. I hear the sound of children's laughter. And it sounds like Joyce's and Fred's and Allen's. And it sounds like Jenny's and Mandy's, and Daniel's, James' and Louise's, Allen and Wren and Katie's laughter. It sounds like the laughter of the children of Rippy Cadillac Olds employees, who were not employees, but family, who could call him "Granddan."

Mingled with the sound of these children's laughter is the crack of the baseball bat echoing across the sandlot on 18th street and the delighted sigh of a man with a Cubs cap on, who pitched for both teams.

Always the joyful noise of laughter, trailing behind him in the golf cart with his grandchildren, following him and his children on the first trip up the first escalator in Wilmington, Swimming with him in the pool, walking with him to the post office, standing with him in front of every construction site in town, watching backhoes dig, giggling, screaming mobs tearing up his yard in an Easter egg hunting frenzy, simple things that don't make the papers. Silly things, at least, silly for adults whose childlike wonder is dead. But for Fred Rippy, children's laughter was part of the joyful noise of life that trailed along after him wherever he went. Can't you hear that laughter now?

I hear something else, a rule called Golden, "Do unto others as you would have them do unto you." In modern ethics, it is often revised, "Do others before they do you." There are plenty, of course, who can and do claim to run their businesses by the Golden Rule, but whose way of treating folks makes those promises sound like a noisy gong and a clanging cymbal. But I can be a witness, that in his business, Fred Rippy *did* the Golden Rule and didn't just speak it. And while this is surely not the time or place for a car dealer's commercial, I know that there are many of you here who could say the same. Fred built Rippy Cadillac Oldsmobile upon the solid rock of honest fairness. And in this silence, I can hear the Golden Rule.

And in the silence, I can hear many other things, joyful things. I hear a heart that for 76 years beat out a rhythm of love. Not the warm fuzzy syrupy sentimentality that the world calls love, but genuine, unpretentious love. Love as real as a promise spoken long ago to a young bride and backed up with 53 years of faithfulness. Love as real as Whitman's samplers, delivered to school crossing guards and bank tellers and library workers at Christmastime.

Among the many things I hear now in the silence, is a laughing Fred Rippy warning his doctor that he was never going to die. He knew otherwise, of course, but chose not to dwell on it, chose to leave his dying in the sure hands of the One who had guided his living.

In a way, Fred was right about not dying. For Paul, in the 13th chapter of 1st Corinthians says, that love endures all things . . . that love never ends. Surely the love that flowed from Fred Rippy's life lives joyously on in you, in you most of all.

We give grateful praise for this life, and to the one from whom the confidence and the goodness of Fred's life came, to Jesus Christ, who said, "I am the resurrection and the life. If a man believe in me, even though he die, yet he shall live, and no one who lives and believes in me shall never die."

In the moments of anxious waiting at the hospital, we kept saying, "He's going to be all right . . . He's going to be all right" . . . against all odds, "He's going to be all right!"

And the news came, for death claims the good and the strong as well as the weak and wicked and the rain of tears came. But almost immediately, you could tell that this was Fred Rippy's family and believers in the God that was his God. Immediately, they began to trace the rainbow through the rain. . .to repeat the promise, not made in vain, "He who believes in me shall never die."

If you and I only had ears to hear, we could hear behind the silence that confronts us now, a great party of the saints in the new heaven and the new earth. And the big band is playing Fred's song. And the negative, has in fact been "e-lim-inated". No more tears no more crying, no more pain, the Bible says. But surely a place where children are laughing and rules are Golden with love. The kind of place where Fred is at home.

Until the day that you and I will join him there, and until then, hear and live by what he must surely be saying:

Make a joyful noise to the Lord, all ye lands.
Serve the Lord with gladness;
Come into His presence with singing.
Know that the Lord is God.
It is He who made you, and we are His people,
and the sheep of His pasture.
Enter His gates with thanksgiving, and His courts with praise.
Give thanks to Him, bless His name.
For the Lord is good; His steadfast love endures forever,
And His faithfulness to all generations.

To all generations . . . to you his children, his grandchildren, and to all the generations who will follow you, who will call on the name of the Lord, and who will call the name of his servant, James Fred Rippy, Jr., blessed. Amen.

RAISING FHA LOAN LIMITS

Mr. INOUYE. Mr. President, the U.S. Senate will shortly consider H.R. 4624, the VA, HUD, and independent agencies appropriations bill, and S. 2281, the Housing Choice and Community Investment Act. During consideration of these measures, I understand, attempts will be made to raise the Federal Housing Administration's (FHA) loan limits to $101,575 nationally and to $172,678 in high costs areas.

I commend the sponsors of S. 2281 and H.R. 4624 for their efforts to expand the FHA mortgage loan limits. However, the expansion does not go far enough. I would like to inform my colleagues of Hawaii's situation and why the FHA program is not readily accessible to potential home buyers residing in my State. I was hoping to seek some relief in the form of an amendment to S. 2281 or H.R. 4624. However, it appears that the climate is not right.

For the record, I have and will continue to support loan limit increases for the FHA program. In Honolulu, HI, where the median sales price of a single family home is over $350,000, the availability of FHA loans is extremely limited. A higher loan limit, in my view, would eliminate large gaps which exists between the median home price and the FHA loan limit.

Opponents will argue that there is greater risk of default and foreclosure should the FHA mortgage loan ceiling amount be increased. Although Hawaii is considered one of the highest priced areas for single family homes, we have one of the lowest default and foreclosure rates in the Nation. Consequently, I believe raising the loan limit will help strengthen the FHA portfolio, and provide better accessibility to the program by residents of my State.

It is extremely unfortunate that the FHA insured loan product in Hawaii is not meeting the needs of the individuals it was designed to help. The mortgage limits imposed by the FHA have limited the number of single family homes that can be insured and the down payment requirements under FHA guidelines effectively eliminate borrowers who can clearly make the monthly mortgage payment. Many individuals are paying rent in an amount that is equal to or above what their mortgage payments would be, but do not have the ability to accumulate the required down payment. Due to the high cost of housing in Hawaii, FHA borrowers must make a significant cash contribution to the transaction. This is a hardship not endured in other parts of the country.

In 1992, under the Housing and Community Development Act of 1992, Public Law 102-550, the Congress amended the National Housing Act to increase the down payment requirements on the FHA program. Currently, the down payment requirements are 3 percent on the first $25,000 of the mortgage loan amount; 5 percent on the amount between $25,000 and $125,000; and 10 percent on amounts above $125,000. Unfortunately, the 10 percent down payment requirement excludes many of Hawaii's potential home buyers from acquiring affordable housing.

The provisions under the Housing Choice and Community Investment Act of 1994 which grants the Secretary of the Department of Housing and Urban Development to enter into risk-sharing arrangements with State and local agencies to insure single family mortgage on properties located in high cost areas will help Hawaii to address the higher loan limit requirements. However, it does nothing to provide relief towards the down payment requirements.

I urge my colleagues on the Senate Banking Committee to review Hawaii's problem with the down payment requirements so that potential home buyers will have better accessibility to the FHA program.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Friday, July 29, the Federal debt stood at $4,636,361,778,400.62. This means that on a per capita basis, every man, woman, and child in America owes $17,783.53 as his or her share of that debt.

THE RWANDA TRAGEDY

Ms. MIKULSKI. Mr. President, I rise today greatly saddened by the tragic situation in Rwanda.

The extent of human misery in Rwanda is overwhelming. Some have described the situation as a tragedy of Biblical proportions. I can't argue with that description.

Over half a million Rwandans were brutally massacred during the Rwandan civil war. As a result of this terrible war, two-thirds of the survivors have fled their villages. Five million Rwandans are now homeless, a staggering figure.

And now cholera has claimed an estimated 16,000 lives in the Goma, Zaire, refugee camp. The number of victims rises by the hour.

Mr. President, I am personally acquainted with the misery of the Rwandan disaster. At the start of the fighting, I helped Vanessa Uwineze, a 4-year-old Rwandan refugee, come to Baltimore to live with her uncle. Vanessa's mother, fearing her daughter would be killed, sent Vanessa away, then she herself went into hiding. I was happy to work with Catholic Relief Services to help secure Vanessa's safety and save her from the inferno in Rwanda.

Vanessa's story has a relatively happy ending. But there are thousands more Vanessas in Rwanda who have died or face death in the coming weeks.

So what are we doing to meet this crisis? Last week, President Clinton announced a major humanitarian relief operation. We are now sending thousands of American troops to Rwanda to provide refugees with the basics of life: clean water, shelter, food, and medical assistance.

I am very proud to say that once again, the world is seeing America at its best. The fine young men and women of our United States Armed Forces are helping to relieve the pain and suffering of the Rwandan people, helping people who are no longer able to help themselves. Our sons and daughters are showing the world what a great and caring nation can do when it is mobilized for a worthy cause. These wonderful young people don't always make the headlines, but they surely deserve our gratitude and firm support.

Some Members of Congress have argued that we should not send our young men and women to places like Rwanda, because we have no strategic interests there. In other words, we have nothing to gain, so why get involved. Sure, it's a tragedy, they argue, but the world is a cruel place, and we can't solve everyone's problems.

Mr. President, I certainly agree that we have no strategic interest in Rwanda. Rwanda has no large oil deposits, nor any great mineral wealth. It's not a strategic crossroad. So we have nothing to gain by our presence there. Our sole purpose for sending in our troops is to help the people of Rwanda get back on their feet. And that is reason enough.

I say to my colleagues that regardless of our strategic interests, we belong in Rwanda. We must help these suffering people. Why? Because it is the right thing to do. It's an American tradition to help those who are most in need. And there is no doubt that Rwandans are in extreme need.

The United States is one of the few countries in the world with the equipment and the know-how to get the job done. If we had turned our backs on the suffering of the Rwandan people, what would that say about us?

We have now decided to act, and I believe that we are on the right track. And we can do more. We should take the following additional steps:

First, we should seek financial support for the Rwandan relief operations from our G-7 partners. If they can't send troops or supplies, why can't nations like Japan help us pay for this operation? The United States should not have to pay the whole $300 million that this operation is expected to cost.

Second, we should coordinate our relief operations with the many NGO's, such as Catholic Relief Services, already in place in Rwanda. Let's make sure we're making the best use of all the resources available.

Third, we should encourage Rwanda's neighbors to take part in the peacekeeping effort. Repatriating refugees requires a secure and stable political situation in Rwanda. Rwanda's neighbors have a real stake in helping to restore order in their own back yard.

Fourth, we should encourage individual Americans to support private Rwandan relief efforts. Mr. President, to help individual donors, I have a list of relief organizations that are active in Rwanda. I ask unanimous consent that it be made a part of the RECORD.

Fifth and finally, to assure the American people that we won't get involved in another political quagmire, we must ensure that there is a firm exit plan for our troops in Rwanda. Let's decide what needs to be done, do it, and bring our troops home.

Mr. President, I commend President Clinton for his decision to launch a major relief effort in Rwanda. It was the right thing to do. It was the humane thing to do. Now we must take these few extra steps to ensure that Rwanda recovers from its current suffering as soon as possible.

Let's end this crisis quickly and put Rwanda back on the road to recovery.

[From the Washington Post, July 22, 1994]

RELIEF AGENCIES ACCEPTING CONTRIBUTIONS TO ASSIST RWANDANS

(By the Associated Press)

A partial list of aid agencies assisting Rwandans:

American Red Cross, Rwanda Relief, P.O. Box 37243, Washington, D.C. 20013, 1-800-842-2200.

AmeriCares, Rwanda Relief, 161 Cherry St., New Canaan, Conn. 06840, 1-800-486-HELP.

CARE, 151 Ellis St., Atlanta, Ga. 30303, 1-800-521-CARE.

Adventist Development, and Relief Agency, P.O. Box 4289, Silver Spring, Md. 20914, 1-800-424-2372.

Concern Worldwide USA, 104 E. 401th St., Room 903, New York, N.Y. 10016, (212) 557-8000.

Catholic Relief Services, 209 W. Fayette St., Baltimore, Md. 21201, (410) 625-2220.

Church World Service, P.O. Box 968, Elkhart, Ind. 46515, (219) 264-3102.

Doctors Without Borders USA, Inc., 30 Rockefeller Plaza, Suite 5425, New York, N.Y. 10112, (212) 649-5961.

International Rescue Committee, 122 East 42nd St., 12th Floor, New York, N.Y. 10168-1289, (212) 551-3000.

Oxfam America, 26 West St., Boston, Mass. 02111, (617) 482-1211.

Mennonite Central Committee, Rwanda Relief, P.O. Box 500, Akron, Pa. 17501, (717) 859-1151.

Save the Children, Rwanda Emergency, P.O. Box 975, Dept, RW, Westport, Conn. 06881, 1-800-243-5075.

U.S. Committee for UNICEF, 333 East 38th, St., 6th Floor, New York, N.Y. 10016, 1-800-FOR-KIDS.

World Concern, Rwanda Relief, P.O. Box 33000, Seattle, Wash. 98133, 1-800-782-5577.

World Relief, P.O. Box WRC, Dept. 3, Wheaton, Ill. 60189, 1-800-535-5433.

World Vision, P.O. Box 1131, Pasadena, Calif. 91131, 1-800-423-4200.

COMMEMORATING THE DEATH OF LABOR LEADER JOHN DRISCOLL

Mr. DODD. Mr. President, I rise today to pay tribute to a man whose imprimatur on the landscape of American labor relations was second to none. During his 60-year career in the American labor movement, John Driscoll was known in Connecticut as Mr. Labor for his steadfast and enduring advocacy of social justice through union organizing.

It saddens me to inform my colleagues that John passed away on July 21 at the age of 82. John Driscoll was truly a giant in Connecticut. He took on all the important causes of his day, from the organization of public employees to workers' compensation, from health benefits to protections for American jobs. A civil libertarian, he marched in Selma, AL, with Martin Luther King, Jr., in 1965, and years later he endorsed a woman to succeed him as president of the Connecticut AFL-CIO.

Known and respected as a man whose principles ruled his life, John Driscoll was partisan only to them. A brilliant

thinker and scholar, he was an unlikely champion of the union movement from its glory days in the 1930's, when Government was completely out of touch with the needs of working Americans. His enlightened and pioneering navigation of the labor movement never veered off course as he advanced through the leadership of the AFL-CIO in Connecticut. He held the top post in that chapter virtually unchallenged from 1961 until his retirement in 1985.

John could very easily have imitated the armchair philosophers of his formative years and chosen a path of sedate and unassuming academia. A first generation Irish-American, John Driscoll was born in Waterbury, CT, in 1911. He went on to be a brilliant student of philosophy at Wesleyan University in Middletown, CT, and later at Brown University in Providence, RI. It was at Brown that a speech by the Congress of Industrial Organizations' [CIO] union firebrand, John Lewis, transformed his thinking and inspired him to pursue his life work.

Although his Phi Beta Kappa record of scholarship handily led him to Harvard Law School, the atmosphere there ultimately proved too stultifying for a young man whose passion for social justice and reform had been ignited. John Driscoll quit Harvard Law School, rolled up his shirt sleeves, and in 1937 set to work for 40 cents an hour at the Bristol Co., a Waterbury, CT, factory. There he organized his first union—the Mine, Mill and Smelter Workers' Union—and began a life-long campaign to provide workers, whose collective toil was the grist that drove the corporate machines, with a real voice in the workplace. Unions, as John would later observe, provided workers with "a stake in society—a share in the fruits of the free enterprise system."

His entrance into the world of union organizing at the Bristol Co. led to full-time work with the CIO and then the United Auto Workers' Union International. He served as the State Post-War Planning Council after World War II and served for several years on the State Board of Mediation and Arbitration before joining the Connecticut AFL-CIO leadership in 1957. He also served on the State's original Commission on Higher Education.

After his retirement, John's influence continued to be felt in State labor politics. He chaired the United Labor Agency, which worked with dislocated workers and served on the labor advisory committee at the University of Connecticut's education center. In later years, John Driscoll enjoyed the respect and admiration of his colleagues and philosophical adversaries alike, and he was the deserving beneficiary of countless honors and awards.

John Driscoll instinctively understood that American democracy is flexible enough to allow disenfranchised groups to achieve the rights they deserve. Because he understood the true power of representative government in this country, John fought hard in the 1940's and 1950's to prevent labor unions from taking on Communist overtones. America, for John Driscoll, was a work in progress, and it functioned best not through complacency but through advocacy and active citizenship. Its Government did not need to be changed, it needed to be utilized. His life-long dedication to this principle has made Connecticut and our country better.

I ask my colleagues to join me in honoring this great American from Connecticut and in offering our condolences to his wife, Margaret, his son, David, his extended family, and his friends.

HEALTH CARE REFORM PRIORITIES

Mrs. BOXER. Mr. President, throughout the year, we've read about various health care reform plans, heard predictions of doom and gloom, and even seen the health insurance industry use a couple of high-priced actors to wage a campaign of fear against health care reform. Somewhere between Harry and Louise, between expensive advertisements and faxed lobbying letters, we seem to have lost sight of what this debate should be about.

This debate should be about making our health care system the best it can be: accessible, comprehensive, and affordable for all Americans.

Mr. President, I did not come to the floor today to pick apart any of the health care plans. I came to the floor today to talk about what health care reform means to the people of California.

In my State, approximately 6 million people under the age of 65 live without the security of health insurance. What might surprise some people is that the overwhelming majority of them—83 percent—work or are in families headed by someone who works.

What good is a new health care system if it doesn't apply to all Americans? We all know the cold truth. No one is immune from the failures of our current system. With terms like "preexisting condition" and "uninsurable" still all too common, every American could wake up one day and join the ranks of the uninsured.

For health care reform to be real it must be universal. It must have no lifetime limits, and it must be portable—so if you lose your job or change your job—your health care will always be there. There is a bottom line in this debate: Every single American must have access to real health care insurance that can never be taken away.

This is the right thing to do. It also makes economic sense because the more people who are covered, the easier it will be to get skyrocketing health costs under control. The larger the pool of insurance buyers, the lower the cost of the premium. So those who say that universal health insurance is a noble goal we can't afford, I say it costs far too much not to have it.

Let's listen to Laura Tyson, head of the President's Council of Economic Advisers. She says: "It is a myth"—a myth, Mr. President—"that insured people do not need to worry about the uninsured. Under our current system," she says, "when the uninsured face catastrophic costs, the insured pick up the bill."

Right now, according to Tyson, the uninsured pay just 20 percent of their health care costs while a person who has insurance pays 30 percent more than their actual health care costs. Why? Because the costs of caring for those without insurance are piled onto the backs of those with insurance. How high? About $25 billion a year, Mr. President.

Did you ever wonder why it costs $10 for an aspirin in a hospital? It's because the patient who pays is picking up the tab for those who are uninsured and pay nothing.

Because we lack a coherent, rational health insurance system, too much goes for expensive emergency room visits for people without insurance who put off getting care until they are deathly ill.

This emergency room approach to health care wastes resources and far too often, wastes lives. Child immunizations are the perfect example. It costs thousands of dollars to treat a child who contracts the measles, sometimes hundreds of thousands. Children die every year in America from this preventable disease. Why? Because we practice emergency room medicine in America instead of prevention, and the cost is enormous.

By focusing on prevention and primary care, universal coverage will save dollars in the long run. And, Mr. President, it will save lives.

Saving lives also means safeguarding the race for cures to today's most deadly diseases. Mr. President, my State is home to one-third of the Nation's biotech firms. They are spending billions of dollars and devoting countless hours to ending the AIDS epidemic, to finding cures for cancer and Alzheimer's and heart disease and stroke.

These companies put more Californians to work than our computer industry and almost as many as our movie industry. And, like many Americans right now, they have their concerns. They want to make sure that prescription drugs are covered under Medicare. And they oppose granting the Federal Government the authority to exclude new drugs from reimbursement under Medicare. I agree with their concerns.

Mr. President, granting this authority would have a chilling effect on new drug development, and it runs the risk of drying up the huge pools of capital that are necessary to fund innovative medical research.

This path runs contrary to the fundamental goal of reform: making America healthier. Stunting the growth of biotechnology and slowing the race for cures would not bring about real health care reform. In fact, I believe it would contribute to a very real health care crisis.

The same goes for prescription drug coverage. How, Mr. President, can we go to such effort to provide all Americans with doctors who tell them when they are sick, and then not help with the drugs they need to get well?

Mr. President, I understand that enacting comprehensive health reform will take courage. It will take vision, and it involves bringing many different perspectives to the table so that all the issues are addressed.

And, I believe that another of these issues is reimbursement to States for the care they provide to undocumented immigrants. Many State hospitals provide emergency care and essential public health services to those in need. This is the right thing to do. It's the humane thing to do. But these services aren't free, and the States hardest hit must be reimbursed by the Federal Government.

I believe it should be the Federal Government that pays because it is the Federal Government that has failed to stem the flow of illegal immigration. So when we talk about overhauling our Nation's health care system, we have to talk about reimbursing States that provide care for undocumented immigrants, and we have to talk about funding their efforts at the real level—not an artificially low level.

Real health care reform also has to reflect the very real concerns of small business. More than 99 percent of all businesses in California are small businesses. More often than not, they function on very tight budgets. More often than not, they want to give their employees and their families health insurance. But far too often, under the current system, they can't afford to.

That is why we need a system that covers everyone, a system that gets skyrocketing cost under control, a system in which each of us pays our fair share. And in this respect, I think we can build on what we have—a system based on shared responsibility—where workers join with their employers to cover the cost of insurance.

Now, I know my opponents have spent million of dollars portraying this approach as wrong. But the reality is that a the vast majority of Americans—78 percent—purchase their insurance in just this way—through their employer. Shared responsibility is already a way of life for many companies and their workers. That's way I believe this approach would be the least disruptive way to achieve universal coverage.

And beyond the concerns of small business versus big business, we have to look at how geography plays into the health care debate. I represent an extraordinarily diverse State—a State that encompasses huge urban centers and extreme rural areas. I represent the people of Los Angeles—a large, bustling city and county—and I represent the people of Merced—a small, rural city and county. And in looking at health care reform, I want a bill that looks out for all Californians.

While the people of Los Angeles can choose from thousands of doctors, many Californians who live in rural areas have just one doctor in town. Sometimes they have to drive many, many miles to receive care. Increasing the pool of primary-care physicians and providing special incentives to doctors who serve in rural areas will improve care and increase choice for our rural citizens. Also, making sure that ob-gyns are considered primary-care physicians is key.

Real reform must also put an end to the inhumane practice of capping benefits—a problem I mentioned earlier. Whether they know it or not, more than three-quarters of Americans have lifetime limits on their coverage. This means that if you come down with a catastrophic illness, one that carries with it great expense, you are cut off at a certain dollar amount. Once you're cut off, no insurance company will touch you; you are too high a risk.

A few months ago, I attended an event, with the victims of this financial bottom line—young, chronically-ill children and their strong, brave parents. One by one, the parents told us the story of their children—children who reached their lifetime insurance limits before their arms could reach all the way around their mothers' waists.

There was not a dry eye in the room, as we heard what the families went through. Young couples forced to sell their dream homes to buy a few years of medical care. Loving parents forced to divorce, children given up to the State, strong families torn apart. All this, so the government would assume responsibility for the child's medical costs.

These choices are barbaric. No American should have to choose between losing their home or losing their child. That choice is un-American.

I think it is clear to everyone that America has the finest health care in the world. But somewhere along the line our health care system has failed too many of us. And none of us knows when it will fail us. It's like Russian roulette—when will the bullet of health insurance loss hit us or someone we love?

This is why we are here today.

Mr. President, for women, health care reform provides the opportunity to end our second-class status as health care recipients. We must seize it and put together a package that provides women with a comprehensive set of benefits to maximize our health. This means regular exams, pap smears and mammograms—so that every woman has the fighting chance offered by the early detection of breast cancer—the leading killer of women between the ages of 35 and 52.

And by definition, comprehensive women's health coverage has to include the full range of reproductive health services. Anything less would be a step backward for America's women because real health care reform is about building on what we have—not stripping away our options.

And, as the health care debate heats up, let me make one thing perfectly clear: Health care reform is about access to a full range of services. It's about the affordability of those services, and above all else, it's about improving the health of America's men and women. This debate is not about politics. It is not about dictating personal beliefs. And any effort to shift the debate away from health policy and toward ideology is a great disservice to the people of this Nation.

Health care reform is about a healthier America where men get prostate screenings, children get their checkups and pregnant women get prenatal care. Health reform is about making all of us healthier.

I will work for comprehensive reform this session. And I see a day in the not-too-distant future when Americans look back to this chapter in their history and are appalled that there was ever a time when every American did not have real health security, when people could work hard and still not be covered, when families with insurance could still lose the roof over their head.

We in the Congress today should be the ones to close this dark chapter of American history.

So let us sit down at the table, work out our differences and fulfill our promise to the people of this great Nation. Standing at this historic crossroads, I believe the greatest disservice we could do would be to stand back and do nothing at all.

MESSAGES FROM THE HOUSE

At 10 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2448. An Act to improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes.

The message also announced that the House has passed the bill (S. 208) to reform the concessions policies of the

National Park Services, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

At 1:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following 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; with amendments, in which it requests the concurrence of the Senate.

At 6:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of 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, that the House recedes and concurs to the amendments of the Senate numbered 8 and 14, that the House recedes and concurs with amendment to the amendments of the Senate numbered 6, 10, 13, 15, 16, 19, 20, 23, 24, 27, 31, and 32, and that the House insists on its disagreement to the amendment of the Senate numbered 29.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated

H.R. 2448. An Act to improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes; to the Committee on Environment and Public Works.

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-3128. A communication from the Deputy Assistant Secretary (Communications, Computers and Support Systems) Department of the Air Force, transmitting, pursuant to law, a report relative to the cost of Military Family Housing Maintenance; to the Committee on Armed Services.

EC-3129. A communication from the Chairman of the National Commission on Manufactured Housing, transmitting, pursuant to law, the Commission's final report; to the Committee on Banking, Housing, and Urban Affairs.

EC-3130. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's biennial report of the Interagency Coordinating Committee on Oil Pollution Research; to the Committee on Environment and Public Works.

EC-3131. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report relative to offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3132. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the Uruguay Round of negotiations of the General Agreement on Tariffs and Trade; to the Committee on Finance.

EC-3133. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the Commission's quarterly report on trade between the United States and China; to the Committee on Finance.

EC-3134. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, an international agreement, other than a treaty, entered into by the United States in the sixty day period prior to July 28, 1994; to the Committee on Foreign Relations.

EC-3135. A communication from the President of the United States, transmitting, consistent with the War Powers Resolution, a report on the humanitarian crisis in Rwanda; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following report of committee was submitted on July 29, 1994, during the recess of the Senate:

By Mr. INOUYE, from the Committee on Appropriations, with amendments:

H.R. 4650. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes. (Rept. No. 103-321)

The following reports of committees were submitted on August 1, 1994:

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

S. 2345. An original bill to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes (Rept. No. 103-322).

By Mr. NUNN, from the Committee on Armed Services, without amendment:

S. 2343. An original bill to state the sense of the Senate on the TRICARE program of the Department of Defense and to facilitate the full implementation of the program by authorizing the reimbursement of the program for the cost of care provided under the program to certain medicare-eligible individuals.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NUNN:

S. 2343. An original bill to state the sense of the Senate on the TRICARE program of the Department of Defense and to facilitate the full implementation of the program by authorizing the reimbursement of the program for the cost of care provided under the program to certain medicare-eligible individuals; from the Committee on Armed Services; placed on the calendar.

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. BINGAMAN, Mr. DODD, and Mr. PELL):

S. 2344. A bill to authorize appropriations for the National Science Foundation, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BAUCUS:

S. 2345. An original bill to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. GRAHAM:

S. 2346. 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; read the first time.

By Mr. SASSER (for himself, Mr. MOYNIHAN, and Mr. WARNER):

S. 2347. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN:

S.J. Res. 214. A joint resolution designating August 9, 1994, as "Smokey Bear's 50th Anniversary"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. BINGAMAN, Mr. DODD, and Mr. PELL):

S. 2344. A bill to authorize appropriations for the National Science Foundation, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT

Mr. KENNEDY. Mr. President, on behalf of myself and Senators ROCKEFELLER, MIKULSKI, BINGAMAN, DODD, and PELL, I am introducing the National Science Foundation Authorization Act of 1994. This act charts a new course for NSF in meeting national goals while maintaining its historic commitment to excellence in fundamental science. The legislation authorizes programs to support research and education in science, engineering, and mathematics for fiscal years 1995–99.

Our changing world puts a higher premium than ever on new scientific knowledge, the discovery of new scientific techniques and the education of top-flight scientists and engineers. NSF supports the fundamental research and education needed to meet these challenges.

Investments in research and education provide venture capital for the Nation's continued economic strength and social well-being. In areas like high-performance computers, biotechnology, and advanced manufacturing technology, today's fundamental research leads to the products and industries of the future. This act for the

first time establishes strategic priorities within NSF, reinforcing those areas in which excellence in fundamental research and education can make significant contributions to meeting national goals. The act recognizes NSF's central place in an integrated Federal investment strategy to promote the future prosperity of the Nation and a higher quality of life for all our citizens.

The act also retains the virtues of the contemporary research system that has brought us world leadership in science and engineering. In addition to supporting research in strategic areas, NSF will continue to tap the creativity of the entire scientific community by funding projects proposed by researchers on the basis of scientific merit. NSF must continue to support research across the spectrum of science and engineering. Basic research has enormous scientific merit and deserves to be supported, even though its precise future application is difficult or impossible to predict.

Title I of the act authorizing funding for NSF according to the traditional budget categories such as research and related activities, education and human resources, and academic research infrastructure. Title II strengthens the role of the Foundation's investments in achieving national goals. It specifies that the Director may spend up to 60 percent of funding for research and education activities in eight strategic initiatives. The Director and the National Science Board are authorized to identify these initiatives, modify existing initiatives, and terminate those that become obsolete. In addition, the Director may shift up to 10 percent of funding from one initiative to another. This flexibility allows the Foundation to respond quickly to new developments in science and changing national needs.

In 1988, we passed the Academic Facilities Modernization Act to help modernize our aging science research laboratories in institutions of higher education. The bill we are introducing authorizes significant funding for academic research facilities, and expands the program to allow purchase of new scientific instruments. The cost of state-of-the-art research instruments often equals that of the facilities that house them. Our bill also raises the percentage of facilities and instrumentation that may be set aside for minority institutions, and lowers the matching fund requirements for less affluent institutions.

In spite of substantial funding for NSF, the Foundation alone cannot make up the backlog of current need in this key area. Congress and the administration need to develop a plan for involving all Federal agencies in meeting this urgent challenge.

In addition, this legislation establishes two new international cooperative programs. The program with Latin American nations encourages joint projects between scientists in this country and Latin America. The program with the New Independent States of the former Soviet Union also promotes collaborative projects, by encouraging research projects to use the facilities and expertise that exist in the New Independent States.

Finally, the act authorizes a National University Teaching Fellows Program that makes awards to departments and faculty members at institutions of higher education to support projects to improve undergraduate education in mathematics, science, and engineering. High-quality undergraduate education is essential to prepare tomorrow's work force, but universities frequently undervalue undergraduate teaching. The Teaching Fellows Program will provide increased recognition for effective efforts in undergraduate education. It will also encourage departmental decisionmakers to value their undergraduate teaching more highly.

I look forward to early action by Congress on this measure, and 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. 2344

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 "National Science Foundation Authorization Act of 1994".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) DIRECTOR.—The term "Director" has the meaning given such term under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(2) FOUNDATION.—The term "Foundation" has the meaning given such term under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(3) BOARD.—The term "Board" has the meaning given such term under section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)).

(5) NATIVE AMERICAN.—The term "Native American" means—

(A) an Indian, as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)); and

(B) an Alaska Native, within the meaning provided for the term "Native" in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

(7) NATIVE HAWAIIAN.—The term "Native Hawaiian" has the meaning given such term in section 815(3) of the Native American Programs Act (42 U.S.C. 2992c(3)).

(8) PACIFIC ISLANDER.—The term "Pacific Islander" means a Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

(9) UNITED STATES.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

TITLE I—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS.—The Congress finds that—

(1) with the end of the Cold War and the collapse of communism, the focus of Federal science and technology policy has shifted away from the national military security toward the national economic security;

(2) support for fundamental research must be part of an integrated Federal investment strategy to stimulate the creation of new knowledge and new technologies that in turn lead to new employment opportunities, greater economic security, and an improved quality of life for all citizens of the United States;

(3) investments in fundamental research must be increased so that such research not only increases the base of knowledge, but also contributes effectively to specific strategic national goals;

(4) the education and training of citizens of the United States, particularly citizens who are underrepresented in science and engineering, must be strengthened so that such citizens can work and prosper in the present and future high-technology society; and

(5) as the primary supporter of fundamental research and education in the universities of the United States, the Foundation must be at the center of the science and technology policy of the United States.

(b) OBJECTIVES.—In carrying out its mission, the Foundation shall—

(1) provide national leadership for a research and education enterprise that contributes new knowledge and educates people to assist in meeting national needs;

(2) reach out to individuals from all walks of life and all sectors of society to broaden the base of participation in science, engineering, and technology, and help create a scientifically literate society;

(3) maintain an organizational structure that responds quickly and effectively to challenges and opportunities generated in the new world order, while sustaining a research and education enterprise that is committed to excellence;

(4) stimulate and support emerging areas of research that may extend beyond existing disciplinary boundaries;

(5) promote new modes of cooperation among the universities of the United States and the private sector in order to improve education, to stimulate research advances, and to exploit research results for productive use;

(6) develop and strengthen partnerships and working relationships with other Federal agencies, State and local governments, and the private sector, and participate fully to shape and implement an integrated national science and technology investment strategy;

(7) lead a national effort to modernize the academic infrastructure of laboratory instrumentation and facilities of the United States, and to maintain such infrastructure at an adequate level to support excellence in research and education; and

(8) evaluate the effectiveness of the programs and initiatives of the Foundation in research and education according to performance-based milestones that measure progress toward identified national goals.

(c) SPECIAL RULE.—The investments of the Foundation in the improvement of the economic competitiveness of the United States shall be in accordance with the functions of the Foundation as specified by the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.). The Foundation may accomplish such investments through the Foundation's support of basic scientific research and science education and of research fundamental to the engineering process and engineering education.

(d) PURPOSE.—The purpose of this Act is to authorize the programs of the Foundation at a level of funding and authority sufficient to carry out the objectives of the Foundation.

(e) FISCAL YEAR 1995.—For the following categories, there are authorized to be appropriated to the Foundation for fiscal year 1995 the following sums:

(1) Research and related activities, $2,348,700,000.

(2) Education and human resources activities, $605,974,000.

(3) Academic research instrumentation and facilities, $300,000,000.

(4) Major research equipment, $150,000,000.

(5) Salaries and expenses, $130,720,000.

(6) National Science Foundation headquarters relocation, $5,200,000.

(7) Office of Inspector General, $4,380,000.

(f) FISCAL YEAR 1996.—For the following categories, there are authorized to be appropriated to the Foundation for fiscal year 1996 the following amounts:

(1) Research and related activities, $2,583,600,000.

(2) Education and human resources activities, $644,600,000.

(3) Academic research instrumentation and facilities, $400,000,000.

(4) Major research equipment, $150,000,000.

(5) Salaries and expenses, $135,900,000.

(6) National Science Foundation headquarters relocation, $5,200,000.

(7) Office of Inspector General, $4,500,000.

(g) FISCAL YEAR 1997.—For the following categories, there are authorized to be appropriated to the Foundation for fiscal year 1997 the following amounts:

(1) Research and related activities, $2,842,000,000.

(2) Education and human resources activities, $709,000,000.

(3) Academic research instrumentation and facilities, $500,000,000.

(4) Major research equipment, $150,000,000.

(5) Salaries and expenses, $141,300,000.

(6) National Science Foundation headquarters relocation, $5,200,000.

(7) Office of Inspector General, $4,620,000.

(h) FISCAL YEAR 1998.—For the following categories, there are authorized to be appropriated to the Foundation for fiscal year 1998 the following amounts:

(1) Research and related activities, $3,126,000,000.

(2) Education and human resources activities, $780,000,000.

(3) Academic research instrumentation and facilities, $500,000,000.

(4) Major research equipment, $150,000,000.

(5) Salaries and expenses, $147,000,000.

(6) National Science Foundation headquarters relocation, $5,200,000.

(7) Office of Inspector General, $4,750,000.

(i) FISCAL YEAR 1999.—For the following categories, there are authorized to be appropriated to the Foundation for fiscal year 1999 the following amounts:

(1) Research and related activities, $3,439,000,000.

(2) Education and human resources activities, $858,000,000.

(3) Academic research instrumentation and facilities, $500,000,000.

(4) Major research equipment, $150,000,000.

(5) Salaries and expenses, $152,700,000.

(6) Office of Inspector General, $4,880,000.

(j) FUNDING PRIORITIES.—In allocating funds authorized under subsections (e), (f), (g), (h), and (i), the Foundation shall give priority to meeting the goals and objectives of the Foundation through the support of basic research and education in the strategic areas authorized under title II.

(k) CRITICAL TECHNOLOGIES INSTITUTE.—There are authorized to be appropriated to the Critical Technologies Institute $2,500,000 for fiscal year 1995, and $4,000,000 for each of the fiscal years 1996 through 1999.

SEC. 102. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this Act, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of, and as determined by, the Director. The determination of the Director with respect to such expenses shall be final and conclusive upon the accounting officers of the Government.

SEC. 103. STRATEGIC PLAN.

(a) PLAN.—Section 3(f) of the National Science Foundation Act of 1950 (42 U.S.C. 1862) is amended to read as follows:

"(f) The Foundation shall prepare and submit to the President an annual strategic plan that shall be submitted by the Director to the Congress at the time of the President's annual budget submission. The strategic plan shall—

"(1) define the overall goals for the Foundation and specific goals for each major cross-directorate strategic research and education initiative;

"(2) describe how the identified goals relate to national needs and will exploit new opportunities in science and technology;

"(3) contain a plan for the organization and management of each cross-directorate strategic research and education initiative that is consistent with title II;

"(4) identify the criteria and describe the procedures that the Foundation will use to assess progress toward achieving the goals identified in accordance with paragraphs (1) and (2);

"(5) review the activities of the Foundation during the preceding year that have contributed toward the achievement of the goals identified in accordance with paragraphs (1) and (2), and summarize planned activities for the 3 years succeeding the submission of such report in the context of the identified goals, with particular emphasis on the Foundation's planned contributions to major multiagency research and education initiatives;

"(6) contain such recommendations as the Foundation considers appropriate; and

"(7) include information on the acquisition and disposition by the Foundation of any patents and patent rights and licensing agreements.".

(b) CONFORMING AMENDMENT.—Section 107 of the Education for Economic Security Act is repealed (20 U.S.C. 3917).

SEC. 104. MAJOR RESEARCH EQUIPMENT.

No funds appropriated under this title for the purposes of funding any project that involves the construction, acquisition, or procurement of new major research equipment or construction necessary for upgrading the capabilities of existing major research equipment, for which the estimated cost to the Foundation for the construction, acquisition, upgrading or procurement of the major research equipment exceeds $25,000,000, shall be obligated for any grant, contract, subcontract, or cooperative agreement unless the funds are specifically approved by the National Science Board. This section shall not apply to major research equipment projects approved by the National Science Board prior to June 30, 1994.

SEC. 105. INDIRECT COSTS.

None of the funds in this Act may be used to reimburse grantees for indirect costs at an amount that differs from the amount that would result from procedures in use by Federal agencies on June 1, 1994, or from Office of Management and Budget Circular A-21, as published in the Federal Register on July 26, 1993, on pages 39996 through 39999.

TITLE II—RESEARCH AND EDUCATION IN STRATEGIC AREAS

SEC. 201. SHORT TITLE.

This title may be cited as the "National Science Foundation Strategic Research and Education Authorization Act of 1994".

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Strategic research and education investments should support discovery, integration, dissemination, and application of knowledge in areas of clear strategic importance to the United States and where national goals have been identified.

(2) Investments in strategic areas require the contributions of many scientific and engineering disciplines to address complex problems important to the United States.

(3) Strong links must be developed and maintained between strategic research and education investments made by the Foundation and related efforts supported by the public and private sectors.

(4) The results of investments in strategic research and education must be evaluated according to performance-based milestones that measure progress toward the national goals identified for such investments, and this progress must guide the future investment strategy.

(5) For fiscal year 1995, the Foundation has proposed the following strategic initiatives:

(A) Advanced manufacturing technology.

(B) Advanced materials and processing.

(C) Biotechnology.

(D) Civil infrastructure systems.

(E) Global change research.

(F) Environmental research.

(G) High performance computing and communications.

(H) Science, mathematics, engineering, and technology education.

(b) PURPOSE.—It is the purpose of this title to strengthen the Foundation's investment in fundamental research and education and training programs in a variety of strategic areas.

SEC. 203. ADVANCED MANUFACTURING TECHNOLOGY.

(a) FINDINGS.—The Congress finds the following:

(1) Manufacturing is fundamental to the strength of the economy of the United States.

(2) Continuing development of manufacturing technology, management, and education, including environmentally conscious manufacturing, will be essential for the future economic security of the United States.

(3) The Foundation should support an integrated initiative in research and education, emphasizing interdisciplinary research and innovative partnerships among the academic community, industry, and government, to

develop the advanced technologies, processes, and practices, that will enable high-performance manufacturing in the 21st century.

(b) ESTABLISHMENT OF INITIATIVE.—The Director is authorized to establish a cross-directorate advanced manufacturing technology initiative that complements the efforts of other government agencies and the private sector. Under the initiative, competitive, merit-based awards shall be made to individuals, small groups, and research centers to support research and education activities that will accelerate the development and application of advanced manufacturing technologies to meet national needs.

(c) FUNDING.—From the amounts appropriated for a fiscal year under section 101, the Director shall make available, to carry out this section, not more than—

(1) $213,170,000 for fiscal year 1995;
(2) $253,670,000 for fiscal year 1996;
(3) $301,870,000 for fiscal year 1997;
(4) $359,230,000 for fiscal year 1998; and
(5) $427,480,000 for fiscal year 1999.

SEC. 204. ADVANCED MATERIALS AND PROCESSING.

(a) FINDINGS.—The Congress finds the following:

(1) Advances in materials have made dramatic improvements in the capabilities, potential, reliability, and limitations of technology over the past several decades, and further investment promises to enable progress across a broad range of technological areas important to build a more productive economy and improve the quality of life.

(2) The Foundation should support interdisciplinary research and education to develop new materials and processing technologies for such materials in a way that couples academic materials research effectively with potential users of research results in materials-dependent industries.

(b) ESTABLISHMENT OF INITIATIVE.—The Director is authorized to establish a cross-directorate advanced materials and processing initiative that complements the efforts of the Advanced Research Projects Agency, other government agencies, and the private sector. Under the initiative, competitive, merit-based awards shall be made to individuals, small groups, and research centers to support research and education activities that will accelerate the development and application of new research results that can be applied toward a variety of national needs.

(c) FUNDING.—From the amounts appropriated for a fiscal year under section 101, the Director shall make available, to carry out this section, not more than—

(1) $313,180,000 for fiscal year 1995;
(2) $344,500,000 for fiscal year 1996;
(3) $378,950,000 for fiscal year 1997;
(4) $416,840,000 for fiscal year 1998; and
(5) $458,530,000 for fiscal year 1999.

SEC. 205. BIOTECHNOLOGY.

(a) FINDINGS.—The Congress finds the following:

(1) By the year 2000, the biotechnology industry is projected to have sales reaching $50,000,000,000 in the United States, with the potential for thousands of new jobs, and renewed economic growth if the United States maintains its leadership in such industry.

(2) The Foundation should invest in a research and education initiative, supporting a wide range of areas including environmental biotechnology, bioprocessing, bioconversion, plant biotechnology, marine biotechnology, the social and economic dimensions of biotechnology, and infrastructure-building in instrumentation, databases, research resources, and training.

(b) ESTABLISHMENT OF INITIATIVE.—The Director is authorized to establish a cross-directorate biotechnology research initiative that complements the efforts of other government agencies and the private sector. Under the initiative, competitive, merit-based awards shall be made to individuals, small groups, and research centers to support research and education activities that—

(1) will extend the scientific and technical foundations necessary for progress in biotechnology;

(2) ensure the development of human resource foundations;

(3) accelerate the transfer of biotechnology research discoveries to commercial applications and eliminate unnecessary barriers to commercialization; and

(4) realize the benefits of biotechnology to the health and well-being of the population and the protection and restoration of the environment.

(c) FUNDING.—From the amounts appropriated for a fiscal year under section 101, the Director shall make available, to carry out this section, not more than—

(1) $205,690,000 for fiscal year 1995;
(2) $230,370,000 for fiscal year 1996;
(3) $258,020,000 for fiscal year 1997;
(4) $288,980,000 for fiscal year 1998; and
(5) $323,660,000 for fiscal year 1999.

SEC. 206. CIVIL INFRASTRUCTURE SYSTEMS.

(a) FINDINGS.—The Congress finds the following:

(1) The economic security and quality of life for United States citizens depend on the vitality of the national civil infrastructure.

(2) There is an urgent need to rebuild obsolete and deteriorated civil infrastructure systems, but the cost may be prohibitive without innovations in materials, construction automation, nondestructive evaluation methods, strategic management and maintenance, design based on total system performance, safety and reliability, adaptive functionality, and evaluation of socioeconomic impacts.

(3) The Foundation should invest in an interdisciplinary, systems-oriented research and education program that can effectively address the challenge of intelligent infrastructure renewal.

(b) ESTABLISHMENT OF INITIATIVE.—The Director is authorized to establish a cross-directorate civil infrastructure systems initiative that complements the efforts of other government agencies and the private sector. Under the initiative, competitive, merit-based awards shall be made to individuals, small groups, and research centers to support research and education activities that will support the development and application of new scientific and engineering knowledge in such areas as deterioration science, assessment technologies, renewal engineering, and institutional effectiveness and productivity.

(c) FUNDING.—From the amounts appropriated for a fiscal year under section 101, the Director shall make available, to carry out this section, not more than—

(1) $54,100,000 for fiscal year 1995;
(2) $64,920,000 for fiscal year 1996;
(3) $77,900,000 for fiscal year 1997;
(4) $93,480,000 for fiscal year 1998; and
(5) $112,180,000 for fiscal year 1999.

SEC. 207. GLOBAL CHANGE RESEARCH.

(a) FINDINGS.—The Congress finds the following:

(1) Global change research provides the foundation for understanding and evaluating the changing world, and encourages wise decisions for the future of the United States and the international community.

(2) The global change research and education initiative of the Foundation should be coordinated with the interagency Global Change Research Program and should seek to—

(A) develop options for increasing the sustainability of human communities and protecting the environment; and

(B) support national and international policy formulation and evaluation.

(b) ESTABLISHMENT OF INITIATIVE.—The Director is authorized to establish a cross-directorate global change research initiative that complements the efforts of the interagency Global Change Research Program. Under the initiative, competitive, merit-based awards shall be made to individuals, small groups, and research centers to support research and education activities that will advance fundamental understandings of dynamic physical, biological, and socioeconomic systems and the interactions among such systems, and the likelihood and extent of possible global change.

(c) FUNDING.—From the amounts appropriated for a fiscal year under section 101, the Director shall make available, to carry out this section, not more than—

(1) $190,520,000 for fiscal year 1995;
(2) $200,050,000 for fiscal year 1996;
(3) $210,050,000 for fiscal year 1997;
(4) $220,550,000 for fiscal year 1998; and
(5) $231,580,000 for fiscal year 1999.

SEC. 208. ENVIRONMENTAL RESEARCH.

(a) FINDINGS.—The Congress finds the following:

(1) Today, the Federal Government spends an estimated $6,000,000,000 on environmental research and development, yet environmental problems persist and new problems emerge that endanger the quality of life.

(2) Federally supported environmental research must be coupled more closely to environmental policy in order to focus the research on critical policy questions and to enable decisionmakers to take advantage of the most recent, highest quality research results.

(b) ESTABLISHMENT OF INITIATIVE.—

(1) IN GENERAL.—The Director is authorized to establish a cross-directorate environmental research initiative that complements the efforts of other government agencies and the private sector. Under the initiative, competitive, merit-based awards shall be made to individuals, small groups, and research centers to support research and education activities that will focus on such topics as—

(A) research on the effects of biodiversity on the health of ecosystems;

(B) infrastructure support for biological field stations;

(C) environmental education;

(D) computer modeling of changing environmental conditions; and

(E) research on new technologies for pollution prevention and environmental remediation, and environmentally benign chemical synthesis and processing.

(2) ESTABLISHMENT OF A NATIONAL ENVIRONMENTAL RESEARCH PROGRAM.—As part of the environmental research initiative authorized under paragraph (1), the Director is authorized to establish a National Environmental Research Program to include the following components:

(A) NATIONAL ENVIRONMENTAL RESEARCH FORUM.—The Director is authorized to establish a National Environmental Research Forum composed of representatives of the private sector, including industrial consortia, scientific and engineering societies and associations, nongovernmental organizations, the Foundation, and other relevant

Federal agencies for the purpose of developing an environmental research agenda that will be scientifically significant, be relevant from a sociopolitical point of view, will have a direct connection to the knowledge needs of managers and others whose decisions have environmental consequences, and will use risk-benefit criteria to assign priorities on the research agenda.

(B) NATIONAL ENVIRONMENTAL RESEARCH CENTERS.—The Director, with the cooperation of other Federal agencies, is authorized to establish, through a competitive, merit-based review process, one or more National Centers for Environmental Research to conduct multidisciplinary research that responds to the information needs of, and the research agenda established by, the National Environmental Research Forum.

(C) NATIONAL ENVIRONMENTAL FELLOWSHIP PROGRAM.—The Director, with the cooperation of other relevant Federal agencies, is authorized to establish, through a competitive, merit-based process, a fellowship program to provide support for personnel exchanges between academic institutions, Federal, State, and local agencies, industry and industrial consortia, and other private sector organizations concerned with information needs and responsibilities for environmental decisionmaking.

(c) FUNDING.—From the amounts appropriated for a fiscal year under section 101, the Director shall make available not more than—

(1) $156,040,000 for fiscal year 1995, of which not more than $20,000,000 may be used for the National Environmental Research Program;

(2) $171,640,000 for fiscal year 1996, of which not more than $30,000,000 may be used for the National Environmental Research Program;

(3) $188,810,000 for fiscal year 1997, of which not more than $40,000,000 may be used for the National Environmental Research Program;

(4) $207,690,000 for fiscal year 1998, of which not more than $50,000,000 may be used for the National Environmental Research Program; and

(5) $228,460,000 for fiscal year 1999, of which not more than $60,000,000 may be used for the National Environmental Research Program.

SEC. 209. HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS.

(a) FINDINGS.—The Congress finds the following:

(1) High performance computing and communications promote sharing of information, wide dissemination of advances in innovative technologies, and improved productivity and industrial competitiveness.

(2) In addition to supporting innovative research and education, the investments of the Foundation in high performance computing and communications should—

(A) support the National Information Infrastructure through application-driven research including proof-of-principle demonstrations;

(B) develop, provide, and support national research and education networking services and capabilities; and

(C) make advanced computing, communications, and information infrastructure accessible to the broadest possible segment of society.

(b) ESTABLISHMENT OF INITIATIVE.—The Director is authorized to establish a cross-directorate high performance computing and communications initiative under which competitive, merit-based awards shall be made to individuals, small groups, and research centers to support research and education activities that will focus on such issues as—

(1) the expansion and technological development of the National Science Foundation Computer Network (NSFNET);

(2) support for existing supercomputer and research centers;

(3) Grand Challenge and National Challenge application groups;

(4) research infrastructure;

(5) disciplinary high performance computing research programs; and

(6) education and training.

(c) FUNDING.—From the amounts appropriated for a fiscal year under section 101, the Director shall make available, to carry out this section, not more than—

(1) $328,620,000 for fiscal year 1995;

(2) $345,050,000 for fiscal year 1996;

(3) $362,300,000 for fiscal year 1997;

(4) $380,420,000 for fiscal year 1998; and

(5) $399,440,000 for fiscal year 1999.

SEC. 210. SCIENCE, MATHEMATICS, ENGINEERING, AND TECHNOLOGY EDUCATION.

(a) FINDINGS.—The Congress finds the following:

(1) In international comparisons, the United States ranks below most other developed nations in science and mathematics.

(2) The United States will need a broadly competent, scientifically literate workforce in order to sustain a strong and productive economy in the coming decades.

(3) The Foundation is the appropriate agency to lead an interagency initiative to support innovative approaches to improve science, mathematics, engineering, and technology education at all levels so that all citizens of the United States can work in and enjoy the benefits of the rapidly changing, high-technology economy.

(b) ESTABLISHMENT OF INITIATIVE.—The Director is authorized to establish a cross-directorate science, mathematics, engineering, and technology education initiative under which competitive, merit-based awards shall be made, in cooperation with the Department of Education and other relevant Federal agencies, States and local government, institutions of higher education, and the private sector, to individuals, small groups, and centers to support research and education activities that fundamentally will reform and improve the mathematics and science education enterprise of the United States at all levels of education.

(c) FUNDING.—From the amounts appropriated for a fiscal year under section 101, the Director shall make available, to carry out this section, not more than—

(1) $650,190,000 for fiscal year 1995;

(2) $715,210,000 for fiscal year 1996;

(3) $786,730,000 for fiscal year 1997;

(4) $865,400,000 for fiscal year 1998; and

(5) $951,940,000 for fiscal year 1999.

SEC. 211. ADDITIONAL STRATEGIC INITIATIVES.

The Director, with the advice and consent of the Board and in consultation with the Office of Science and Technology Policy, is authorized to support, modify, and as, appropriate, add or eliminate strategic initiatives in research and education based on emerging national needs and the ability of science and engineering to contribute in meaningful and significant ways toward identified national needs and objectives.

SEC. 212. SUPPORT FOR STRATEGIC INITIATIVES.

To support the strategic initiatives authorized by this title, the Director shall make available not more than—

(1) $1,760,400,000 for fiscal year 1995;

(2) $1,936,920,000 for fiscal year 1996;

(3) $2,130,600,000 for fiscal year 1997;

(4) $2,343,600,000 for fiscal year 1998; and

(5) $2,578,200,000 for fiscal year 1999.

SEC. 213. TRANSFER AUTHORITY.

(a) IN GENERAL.—Funds may be transferred among directorates and strategic initiatives within the research and related activities category so long as the net funds transferred to or from any directorate or initiative does not exceed 10 percent of the amount budgeted for that directorate or strategic initiative.

(b) TRANSFERS EXCEEDING TEN PERCENT.—In addition, the Director may propose transfer to or from any directorate or strategic initiative within the research and related activities category an amount exceeding 10 percent of the amount budgeted for that directorate or strategic initiative. An explanation of any such proposed transfer must be transmitted in writing to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives. The proposed transfer may not be made until 30 calendar days after the date of the transmission of the written explanation.

TITLE III—GENERAL PROVISIONS

SEC. 301. AMENDMENTS TO THE ACADEMIC RESEARCH FACILITIES MODERNIZATION ACT OF 1988.

(a) AUTHORIZATION.—Section 203(a)(1) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862b(a)(1)) is amended to read as follows:

"(a)(1) To carry out this title, the Director shall establish a new Academic Research Instrumentation and Facilities Modernization Program (hereafter in this title referred to as the "Program") to provide awards to institutions of higher education, independent nonprofit research institutions, and research museums, and consortia thereof, to carry out projects with respect to—

"(A) the acquisition of research instrumentation; or

"(B) the repair, renovation, or, in exceptional cases, replacement of obsolete science and engineering facilities that are primarily used for research.".

(b) PROGRAM PROJECTS.—Section 203(b)(1) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862b(b)(1)) is amended to read as follows:

"(b)(1) The Program shall be carried out through projects—

"(1) that involve—

"(A) acquisition of state-of-the-art research instrumentation; or

"(B) the repair, renovation, or, in exceptional cases, replacement of specific science and engineering facilities of the entities that are devoted primarily to research; and

"(2) for which funds are awarded in response to specific proposals submitted by the entities in accordance with grant requirements prescribed by the Director under section 204.".

(c) PROCEDURES.—Section 204(a)(2)(C) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) is amended by striking "but at least 30 percent" and inserting "but at least 20 percent".

(d) SET-ASIDE FOR CERTAIN INSTITUTIONS.—Section 205 of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862d) is amended by striking "at least 12 percent" and inserting "not more than 20 percent".

SEC. 302. AMENDMENTS TO THE SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT.

(a) OPPORTUNITIES FOR STUDENTS.—Section 32 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885) is amended by adding at the end the following new subsection:

"(c)(1) The Congress finds that Native Hawaiian students, students who are Pacific Islanders, and Native American students are underrepresented in science, computer science, and engineering. Such students face both cultural barriers to the study of science and geographical isolation.

"(2) The Director is authorized to make awards to institutions of higher education, including community colleges, and local educational agencies to work in partnership with community organizations to develop and implement science, computer science, technology, and mathematics curricula that—

"(A) are in accord with the traditional cultural values of the students described in paragraph (1);

"(B) emphasize the scientific achievements of the native cultures of such students; and

"(C) encourage enrollment of such students in higher education."

(b) COMMITTEE ON EQUAL OPPORTUNITIES IN SCIENCE AND TECHNOLOGY.—Section 36 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885c) is amended—

(1) in subsection (a), by inserting "individuals with disabilities," after "minorities,";

(2) in subsection (b), by striking the second sentence and inserting the following: "The Chairpersons of relevant committees or subcommittees of the National Science Board, as designated by the Chairperson of the Board, shall be ex officio members of the Committee.";

(3) by striking subsections (c) and (d);

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(5) by inserting after subsection (b) the following new subsection:

"(c) The Committee shall be responsible for reviewing and evaluating all Foundation matters as such matters relate to participation in, opportunities for, and advancement in education, training, and research in science and engineering of members of underrepresented groups."; and

(6) in subsection (d) (as redesignated by paragraph (4)), by striking "additional".

SEC. 303. INTERNATIONAL COLLABORATIVE PROGRAMS.

(a) COOPERATIVE PROJECTS WITH LATIN AMERICA GRANTS.—

(1) FINDINGS.—The Congress finds the following:

(A) The recent lowering of trade barriers will increase the exchange of technologies and technically trained personnel with the countries of Latin America.

(B) To promote such exchange, scientists from the United States should establish cooperative projects in scientific and engineering research with scientists in the countries of Latin America.

(2) AUTHORITY.—The Director is authorized to make grants to organizations within the United States, including colleges and universities, for the purpose of promoting cooperative research projects between scientists in the United States and scientists in Latin American organizations. Prior to making any grants under this section, the Director shall make a determination that—

(A) the project has scientific merit as determined by standard Foundation procedures;

(B) the project will encourage the development of infrastructure connections between cooperating institutions that can be used in support of future projects; and

(C) at least 50 percent of the funding for the project will be provided by the Latin American partner.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 1995, and such sums as may be necessary for each of the succeeding 3 fiscal years.

(4) COORDINATION.—In carrying out this section, the Director shall coordinate with Federal agencies, such as the Agency for International Development, which have expertise in cooperative international projects.

(b) U.S.-NEWLY INDEPENDENT STATES COLLABORATIVE RESEARCH PROGRAM.—

(1) FINDINGS.—The Congress finds the following:

(A) The dissolution of the Soviet Union has been accompanied by economic dislocation in the Russian Federation and the other republics. As a result, scientific establishments have been seriously and adversely affected.

(B) United States support for emerging democratic institutions in the newly independent states can be greatly enhanced by assisting in the development of a sound economic structure. A productive economy must be sustained by a healthy scientific and technological infrastructure.

(C) Despite their difficult environment, scientists in the newly independent states are world experts in selected fields. Collaborative research can benefit all international partners, including the United States.

(D) The newly independent states are faced with the imminent dissolution of the scientific and technological infrastructure of such states and the emigration of the best scientists and engineers of such states. Loss of the most highly educated and trained citizens will greatly impede development of democratic institutions and private enterprise within the region.

(E) Modest external resources can be leveraged to provide a significant source of support for scientists and engineers in the newly independent states, engaged in both civilian and defense related research, most of whom do not wish to leave their homelands.

(F) The United States has long recognized that effective communication between the research and industrial communities is necessary for both to remain healthy and can be achieved through collaborative research projects. Scientists and entrepreneurs in the emerging republics have little understanding or experience with commercial business practice. These skills can best be developed through cooperative arrangements with United States counterparts.

(G) Collaborative research with the scientific community can sustain excellence while encouraging the transition toward democratization and practical application and transfer of research efforts to the emerging private sector. Such collaboration links United States researchers and businesses to highly trained personnel and sophisticated new technologies and manufacturing processes.

(H) The most effective kind of support would—

(i) be mutually beneficial to the both United States and the Newly Independent States scientists and engineers;

(ii) take advantage of existing relationships, special expertise, and unique research facilities in the newly independent states;

(iii) provide salary support to scientists and engineers in the Newly Independent States working on collaborative projects; and

(iv) provide support within the next 6 to 12 months.

(2) ESTABLISHMENT OF PROGRAM.—The Director is authorized to establish a cross-directorate program between the United States and the Newly Independent States under which competitive, merit-based awards shall be made to individuals, small groups, and research centers to support collaborative research efforts between scientists and engineers from the United States and the Newly Independent States. Options for support should include—

(A) supplements to existing National Science Foundation research centers including Engineering Research Centers, Science and Technology Centers, industry-University Cooperative Research Centers, and Materials Research Science and Engineering Centers, to establish collaborative research programs with counterpart institutions in the Newly Independent States;

(B) collaborative research in the strategic areas such as environmental research, advanced materials, and related disciplines with awards and supplements made to United States institutions to develop joint research projects to gain access to specialized and unique facilities in the Newly Independent States;

(C) supplement existing individual investigator research awards that would identify promising opportunities for scientific and technological collaboration with scientists and engineers in the Newly Independent States; and

(D) special awards to support coordination and cooperative planning activities to improve communication and the development of long term interactions between scientists and engineers in the United States and the Newly Independent States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director $10,000,000 for fiscal year 1995, $20,000,000 for fiscal year 1996, $30,000,000 for fiscal year 1997, $40,000,000 for fiscal year 1998, and $50,000,000 for fiscal year 1999.

SEC. 304. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) AUTHORITY.—The Director shall continue to carry out the Experimental Program to Stimulate Competitive Research (hereafter referred to in this section as the "Program") to award research grants to entities that are located in States that—

(1) historically have received relatively little Federal research and development funding; and

(2) have demonstrated a commitment to develop the research bases of such States and improve science and engineering research and education programs within such States.

(b) ELIGIBILITY.—Entities in those States in which awards have been made under the Program shall be eligible to compete for support under the Program provided that the State provides assurances of matching funds and submits a proposal consistent with the goals and objectives of the program as established by the Director. All awards made by the Director shall be based on a competitive, merit-based review process.

SEC. 305. NATIONAL UNIVERSITY TEACHING FELLOWS PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) maintaining an economically competitive workforce requires high quality undergraduate education in science, mathematics, and engineering, not only for students who will specialize in those fields, but for all undergraduate students; and

(2) demonstrated excellence in providing such education is frequently not recognized appropriately.

(b) DEFINITIONS.—As used in this section:

(1) DEPARTMENT.—The term "department" means the department—

(A) located at the institution where a fellow is a faculty member; and

(B) in which such fellow is assigned to provide instruction to undergraduate students in a subject area under the jurisdiction of the department.

(2) FELLOW.—The term "fellow" means an individual who is selected as a fellow under paragraph (5) of subsection (d).

(3) INTERDISCIPLINARY PROGRAM.—The term "interdisciplinary program" means an instructional program that—

(A) combines members of two or more of the traditional academic departments; and

(B) is empowered to recommend members of its faculty for tenure.

(c) DESIGNATION OF FELLOWS.—Individuals receiving awards under this section shall be known as "National Undergraduate Teaching Fellows".

(d) AUTHORITY.—

(1) IN GENERAL.—The Director is authorized to—

(A) select annually individuals who are faculty members teaching undergraduate courses at institutions of higher education to be teaching fellows;

(B) award fellowships to such individuals to carry out projects described in paragraph (3); and

(C) make grants to the departments or interdisciplinary programs of the institutions where the fellows are faculty members to carry out the activity described in paragraph (3).

(2) AMOUNT OF FELLOWSHIPS AND GRANTS.—

(A) FELLOW.—The Director is authorized to award a fellowship in the amount of at least $100,000 over 3 years to each fellow to carry out the projects described in paragraph (3).

(B) DEPARTMENT.—The Director is authorized to make a grant in the amount of at least $60,000 over 3 years to the department or interdisciplinary program of the institution where each fellow is a faculty member.

(3) AUTHORIZED ACTIVITIES.—Amounts awarded under paragraph (2) shall be used—

(A) in the case of a fellowship awarded to a fellow, to carry out projects to improve undergraduate science, mathematics, or engineering education; and

(B) in the case of a grant made to the department or interdisciplinary program of an institution where a fellow is a faculty member, for the improvement of undergraduate education.

(4) ELIGIBILITY.—To be eligible to receive a fellowship or grant under this title, an individual described in paragraph (1)(A) shall—

(A) be nominated by the institution where such individual is a faculty member;

(B) hold a tenure track appointment in such institution; and

(C) submit to the Director a written proposal, with respect to the improvement of undergraduate education at such institution, at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(5) SELECTION REQUIREMENTS.—The Director shall select a fellow on the basis of the—

(A) performance of such fellow in improving undergraduate education at the institution where such fellow is a faculty member;

(B) proposal submitted under paragraph (4); and

(C) excellence of such fellow as an undergraduate teacher.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,500,000 for the fiscal year 1995, $3,000,000 for fiscal year 1996, and $4,500,000 for each of the succeeding fiscal years to carry out this section.

SEC. 306. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—

(1) NATIONAL SCIENCE BOARD.—Section 4(e) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(e)) is amended by striking the second and third sentences and inserting the following: "The Board shall adopt procedures governing the conduct of its meetings, including procedures with respect to the requirements of a quorum and the delivery of notice of meetings to members of the Board.".

(2) DIRECTOR OF THE FOUNDATION.—Section 5(e)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1864(e)(2)) is amended to read as follows:

"(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.".

(3) MISCELLANEOUS PROVISIONS.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

(4) SECURITY PROVISIONS.—Section 15(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1874(a)) is amended by striking "Atomic Energy Commission" and inserting "Secretary of Energy".

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—Section 117(a)(1)(B)(v) of the National Science Foundation Authorization Act of 1988 is amended to read as follows:

"(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of such employees.".

By Mr. GRAHAM:

S. 2346. 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; read the first time.

THE PUBLIC HEALTH IMPROVEMENT ACT

Mr. GRAHAM. Mr. President, I would like to, first of all, acknowledge all the work that Virginia Congressman JIM MORAN and his staff have done in putting together many of the pieces of the Public Health Improvement Act. This legislation seeks to promote prevention and public health through four distinct approaches: First, strengthening the capacity of local and State public health departments to carry out core public health functions; second, expanding access to preventive and primary care services for vulnerable and medically underserved communities; third, supporting applied research on prevention and effective public health interventions; and, fourth, addressing public health work force needs.

I would also like to thank all the public health organizations that have put in long hours getting this bill together for introduction. They represent the people across this country who are responsible for providing on a daily basis the environmental, educational, and personal health expertise to address our Nation's public health problems.

What is public health? The American Public Health Association defines it as "the science and art of preventing disease, prolonging life, and promoting physical and mental health through organized community efforts." The National Academy of Science's Institute of Medicine defines the mission of public health as "fulfilling society's interest is assuring conditions in which people can be healthy."

I offer these definitions because public health means different things to different people, and often, is not even something tangible. Public health is not having to worry about the water we drink, the food we eat and air we breathe. Fundamentally, it is the art of keeping people healthy and that function often goes virtually unnoticed.

Dr. C. Everett Koop and other members of the Health Project Consortium published an article in the New England Journal of Medicine on July 29, 1993, noting that approximately 70 percent of all illness is preventable and that there are about 1 million deaths annually that are preventable. That amounts to in excess of $600 annually. The waste of both lives and money is incomprehensible.

However, rather than investing wisely in prevention, our health care system is focused on sickness and acute medical care. The result has been a systematic shift of public and private spending toward acute and institutional medical care and away from the critical role of keeping communities safe and healthy.

After a 2-year study of our Nation's public health system that was finalized in 1988, the Institute of Medicine concluded:

> It is, therefore, with great concern and some alarm that the committee has observed the current state of public health. We have observed many symptoms of systemic problems, solutions to which will require a comprehensive strategy and a strong commitment on the part of the entire society. We have observed disorganization, weak and unstable leadership, a lessening of professional and expert competence in leadership positions, hostility to public health concepts and approaches, outdated statutes, inadequate financial support for public health activities and public health education, gaps in the data gathering and analysis that are essential to the public health functions of assessment and surveillance, and lack of effective links between the public and private sectors for the accomplishment of public health objectives.
>
> In our view, these problems reflect a lack of appreciation among the general public and policymakers for the crucial role that a strong public health capacity must play in maintaining and improving the health of the public.

These problems have only intensified as public health budgets have continued to decline throughout the 1980's. In fact, our Nation now spends less than 1 percent of our total health care bill on public health. According to the American Public Health Association, "Public health spending decreased by almost 25 percent as a portion of our total national health spending between

1981 and 1993." Is it any wonder that the result is that our Nation continues to see more and more patients in its sickness system and that one-seventh of our Nation's gross national product now goes to health care?

Between 1985 and 1991, our Nation has seen increases in hepatitis A, mumps, rubella, tuberculosis, and syphilis, among others. In the case of tuberculosis, this was something we thought we were close to eradicating, and instead, we have increasing caseloads across the Nation.

As a result, I am proud to come before you today to introduce the Public Health Improvement Act. Many of the provisions of this bill were included in President Clinton's original Health Security Act and in the Senate Labor and Human Resources health bill. My legislation goes beyond these two pieces of legislation by also addressing applied research on prevention and effective public health interventions and public health work force issues.

The bill provides for an average of $2.2 billion annually through the year 2002 in new public health funding streams. This effort will strengthen our State and local public health systems by ensuring adequate resources for carrying out core functions and expanding access to community-based preventive and primary care to vulnerable and medically underserved communities.

I would like to highlight the section of the bill relating to Applied Research on Prevention and Effective Public Health Interventions. This language is similar to a bill I introduced in 1991 to undertake disease prevention and health promotion research activities that have long been neglected. As the Institute of Medicine notes:

"Effective public health actions must be based on accurate knowledge of health problem causation, distribution, and the effectiveness of interventions * * *. For many public health problems the knowledge base, including knowledge about the effectiveness of specific interventions, is inadequate.

Specifically, the bill would result in research being conducted in the following area: First, the impact on health status and the cost-effectiveness of clinical preventive and health education services; and, second, the cost-effectiveness of community-based interventions to improve health outcomes. These studies will increase the technical capacity in public health, but also, the public at-large. Restoring an effective and strong public health system will require the interest and participation by all Americans. I hope this bill provides an important step toward that goal.

Funding would also go to many other practical programs to address the health care needs of communities. For instance, funding would go to school-based health services. School-based clinics make sense became they serve not only a significant vulnerable population, but they would also serve as an outreach service to the community.

Money would also be spent on keeping the water supply safe. Funds from this bill would be used to investigate and control contamination in the water supply.

Furthermore, funding would be used to make mammograms accessible to women across this country in their communities. A recent study showed that about 46,000 women will die of breast cancer in 1994. Through accessible, affordable mammograms, we can save lives by diagnosing breast cancer early. These are just a few of the examples of the important programs this legislation would address.

In short, prevention and public health are clearly cost-effective and health prolonging strategies that should be prominently included by Congress in any health reform package. This legislation is not a substitute for a comprehensive health reform bill, rather it is a necessary complement to it. I urge my colleagues to consider its inclusion in the health care reform package that will come before us in the next week or so.

By Mr. SASSER (for himself, Mr. MOYNIHAN, and Mr. WARNER):

S. 2347. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution; to the Committee on Banking, Housing, and Urban Affairs.

SMITHSONIAN INSTITUTION COMMEMORATIVE COIN ACT

• Mr. SASSER. Mr. President, I introduce and urge my colleagues to support, the Smithsonian Institution Commemorative Coin Act of 1996. I am introducing this bill also on behalf of my distinguished colleagues, Senators MOYNIHAN and WARNER. Senators MOYNIHAN, WARNER, and I are privileged to serve as members of the Smithsonian Institution's Board of Regents.

August 10, 1996 will mark the 150th anniversary of the founding of the Smithsonian Institution, one of the Nation's best examples of a successful public-private partnership. This legislation provides for the minting of coins to commemorate this momentous occasion.

Created as a Federal Trusteeship by Congress in 1846, the Smithsonian Institution is today the largest research and museum complex in the world. The Smithsonian's various museums were visited more than 26 million times last year and unlike so many other museums, the Smithsonian remains free of charge to the public. In addition, thousands of Americans and foreign scholars used the vast repository of knowledge and artifacts to assist in a variety of research activities.

The Smithsonian's sesquicentennial commemoration provides us the opportunity to celebrate both the Institution's great accomplishments and its future role and mission.

The central goal of the commemoration, however, will be to increase the sense of ownership and participation in the Smithsonian by the American people.

Throughout its 150th year, the Smithsonian will undertake a series of programs and stage a number of events to commemorate its founding, as well as to explore new ways in which it can serve the public. These activities, while extensions of the existing framework of Smithsonian programs, will require significant financial resources.

In light of the existing budget constraints under which the Federal Government must operate, the Smithsonian's Board of Regents concluded it would not seek any additional appropriated funds in support of sesquicentennial programming. Rather, the Smithsonian will concentrate its efforts to raise support for the anniversary programming from non-Federal sources. The commemorative coins would be one such effort.

The coins would be issued on August 10, 1996, exactly 150 years from the actual date of the act of Congress which established the Smithsonian Institution. The issuance of Smithsonian sesquicentennial commemorative coins will provide an opportunity for the American public to obtain a valued memento, while at the same time supporting the Institution's mandate to preserve our Nation's cultural and historical heritage. In addition, the funds derived from the issuance and sale of these commemorative coins will not only enable the Smithsonian to showcase its 150-year service to the Nation, but will also transfer the financial responsibility for sesquicentennial activities from the American taxpayer to voluntary contributions.

Further, the legislation authorizes that 15 percent of the total proceeds remitted to the Institution would be designated to support the national numismatic collection at the National Museum of American History. This component of the legislation is strongly supported by the numismatic community and in a very tangible way demonstrates our appreciation for their support of all congressionally authorized commemorative coin programs.

Without exception, every Senator has constituents who visit, communicate with, and otherwise benefit from the Smithsonian. From eager first-graders to learned scholars and researchers, the public is consistently served by the vast resources and expertise of the Smithsonian and its staff. Successful enactment of this legislation will give the American people the opportunity to celebrate the benefits and wonder the Smithsonian has given us the last 150 years.

Mr. President, I urge all my colleagues to join me in sponsoring this

bill to celebrate and honor the 150th anniversary of the Smithsonian Institution from which all Americans have gained so much.

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. 2347

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 "Smithsonian Institution Sesquicentennial Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 800,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the scientific, educational, and cultural significance and importance of the Smithsonian Institution and shall include the following words from the original bequest of James Smithson: "for the increase and diffusion of knowledge".

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1996"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Smithsonian Institution and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on August 10, 1996, and ending on August 9, 1997.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Except as provided in subsection (b), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Smithsonian Institution for the purpose of supporting programming related to the 150th anniversary and general activities of the Smithsonian Institution.

(b) NATIONAL NUMISMATIC COLLECTION.—Not less than 15 percent of the total amount paid to the Smithsonian Institution under subsection (a) shall be dedicated to supporting the operation and activities of the National Numismatic Collection at the National Museum of American History.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Smithsonian Institution as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.•

By Mr. BINGAMAN:

S.J. Res. 214. A joint resolution designating August 9, 1994, as "Smokey Bear's 50th Anniversary"; to the Committee on the Judiciary.

SMOKEY BEAR'S 50TH ANNIVERSARY

• Mr. BINGAMAN. Mr. President, for the past 50 years, visitors to our national forests have been educated on forest fire prevention and forest preservation by one of the most memorable public service symbols in our history: Smokey Bear. In 1944, the Forest Service introduced a bear as its campaign symbol and chief messenger to promote the prevention of accidental forest fires. This effort was based on the need to protect our forest resources during World War II, when wood products were greatly needed for battleships, gunstocks, and packing crates for military transport.

This bear, created by the Forest Service and the War Advertising Council, was to be black or brown and his expression intelligent, appealing, and slightly quizzical. To look his part, he would wear a traditional campaign hat. In 1945, this appealing symbol was given the name "Smokey Bear." The first poster produced for this effort carried the caption: "Smokey says: Care will prevent nine out of ten forest fires." Smokey was a great advertising success and an important contributor to the decrease in human-caused forest fires.

In 1950, Smokey Bear, the advertising campaign, became inextricably associated with a bear cub found clinging to a tree after a forest fire near Capitan, NM. This cub would become a real-life symbol of the effort to prevent fires such as the one in the Lincoln National Forest in which he was found. Many people mistakenly believe that this cub was the original Smokey Bear, but in reality he did not come along until the advertising symbol was almost 6 years old. The little cub who became known as Smokey Bear was nursed back to health and lived a long and happy life in the National Zoo here in Washington, as a living counterpart to the fire prevention symbol.

Today, Smokey Bear continues to make an important contribution to fire prevention, and his role has evolved to face new challenges. In years past, it was a challenge for his message to reach traditional visitors to the forest. Now we are faced with getting his wildfire prevention message to an increasing number of people who live in or near forests, who may accidentally set fires dangerous to wildlands or who may find their lives and property threatened by wildland fires.

Over the years, Smokey Bear has performed an important public service and become a much-loved American icon. It

is appropriate that we honor his contribution to fire prevention and to the American cultural landscape. The resolution I am introducing today will designate August 9, 1994, as "Smokey Bear's 50th Anniversary" and authorizes and requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. President, I urge my colleagues to cosponsor this joint resolution so that it may move quickly through the Senate, and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed the RECORD, as follows:

S.J. RES. 214

Whereas Smokey Bear has served the United States for 50 years, preventing wildfires and protecting the Nation's forests above and beyond the call of duty;

Whereas Smokey Bear has dedicated himself to educating Americans of all ages and particularly America's youth, the future guardians of our forests, about forest fire prevention;

Whereas the Forest Service of the United States Department of Agriculture is committed to increasing public information and awareness about wildfire prevention and forest protection;

Whereas the Forest Service of the United States Department of Agriculture is devoted to changing the public's behavior to prevent wildfires in an effort to maintain and protect our Nation's precious resources; and

Whereas the Forest Service of the United States Department of Agriculture, the National Association of State Foresters, and The Advertising Council have provided extraordinary support and dedication to the purpose and efforts of Smokey Bear: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 9, 1994, is designated "Smokey Bear's 50th Anniversary", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.•

ADDITIONAL COSPONSORS

S. 946

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 946, a bill to reduce the legislative branch budget by 25 percent.

S. 1015

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1015, a bill to establish a 2-year moratorium on construction and leasing of space by the Federal Government, and for other purposes.

S. 1379

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1379, a bill to limit the continued availability of foreign assistance funds for obligation and expenditure.

S. 1516

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1516, a bill to limit the use of funds for deployment of the Armed Forces of the United States outside the United States under United Nations command.

S. 1533

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1533, a bill to improve access to health insurance and contain health care costs, and for other purposes.

S. 1598

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1598, a bill to amend title 10, United States Code, to modernize Department of Defense acquisition procedures, and for other purposes.

S. 1676

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1676, a bill to provide a fair, nonpolitical process that will achieve $65,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached.

S. 1772

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1772, a bill to reduce Federal employment to the levels proposed in the Vice President's Report of the National Performance Review.

S. 1884

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1884, a bill to amend the Immigration and Nationality Act to reform asylum procedures, to strengthen criminal penalties for the smuggling of aliens, and to reform other procedures to control illegal immigration to the United States.

S. 1887

At the request of Mr. BAUCUS, the names of the Senator from Missouri [Mr. BOND], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 2074

At the request of Mr. MCCAIN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2074, a bill to increase the special assessment for felonies and improve the enforcement of sentences imposing criminal fines, and for other purposes.

S. 2178

At the request of Mr. DASCHLE, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors 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. 2183

At the request of Mrs. HUTCHISON, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 2183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945.

S. 2215

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2215, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 2286

At the request of Mr. LUGAR, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2286, a bill to amend title 23, United States Code, to provide for the use of certain highway funds for improvements to railway-highway crossings.

S. 2297

At the request of Mr. METZENBAUM, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 2297, a bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 196

At the request of Mr. SMITH, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from North Carolina [Mr. HELMS], the Senator from Idaho [Mr. CRAIG], the Senator from Delaware [Mr. BIDEN], the Senator from Georgia [Mr. NUNN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 196, a joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag.

SENATE JOINT RESOLUTION 212

At the request of Mr. RIEGLE, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from Missouri [Mr. BOND], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 212, a joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

SENATE RESOLUTION 185

At the request of Mr. D'AMATO, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 185, a resolution to congratulate Phil Rizutto on his induction into the Baseball Hall of Fame.

AMENDMENTS SUBMITTED

IMPROVING AMERICA'S SCHOOLS ACT

DANFORTH AMENDMENT NO. 2430

Mr. DANFORTH proposed an amendment to the bill (S. 1513) a bill entitled "Improving America's Schools Act of 1993"; as follows:

On page 650, between lines 3 and 4, insert the following:

"PART H—EDUCATIONAL OPPORTUNITY DEMONSTRATION PROGRAM

"SEC. 1801. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds that—

"(1) while low-income students have made significant gains with respect to educational achievement and attainment, considerable gaps still persist for these students in comparison to those from more affluent socioeconomic backgrounds;

"(2) our Nation has a compelling interest in assuring that all children receive a high quality education;

"(3) new methods and experiments to revitalize educational achievement and opportunities of low-income individuals must be a part of any comprehensive solution to the problems in our Nation's educational system;

"(4) preliminary research shows that same gender classes and schools may produce promising academic and behavioral improvements in both sexes for low-income, educationally disadvantaged students;

"(5) extensive data on same gender classes and schools are needed to determine whether same gender classes and schools are closely tailored to achieving the compelling government interest in assuring that all children are educated to the best of their ability;

"(6) in recent years efforts to experiment with same gender classes and schools have been inhibited by lawsuits and threats of lawsuits by private groups as well as governmental entities; and

"(7) there is a compelling government interest in granting the Secretary authority to insulate a limited number of local educational agencies and schools which are experimenting with same gender classes for a limited period of time from certain law suits under title IX of the Education Amendments of 1972, section 204 of the Education Amendments of 1974, section 1979 of the Revised Statutes (42 U.S.C. 1983), or any other law prohibiting discrimination on the basis of sex, in order to collect data on the effectiveness of such classes in educating children from low-income, educationally disadvantaged backgrounds.

"(b) PURPOSES.—It is the purpose of this part—

"(1) to give the Secretary discretion to allow experimentation with same gender classes for low-income, educationally disadvantaged students;

"(2) to determine whether same gender classes make a difference in the educational achievement and opportunities of low-income, educationally disadvantaged individuals; and

"(3) to involve parents in the educational options and choices of their children.

"SEC. 1802. DEFINITIONS.

"As used in this part—

"(1) the term 'educational opportunity school' means a public elementary, middle, or secondary school receiving funds under this title, or a consortium of such schools all of which receive funds under this title, that—

"(A) establishes a plan for voluntary, same gender classes at one or more than one school in the community;

"(B) provides same gender classes for both boys and girls, as well as a co-educational option for any parent that chooses that option;

"(C) gives parents the option of choosing to send their child to a same gender class or to a co-educational class;

"(D) admits students on the basis of a lottery, if more students apply for admission to the same gender classes than can be accommodated;

"(E) has a program in which a member of the community is asked to volunteer such member's time in classes of children of the same gender as the member; and

"(F) operates in pursuit of improving achievement among all children based on a specific set of educational objectives determined by the local educational agency applying for a grant under this part, in conjunction with the educational opportunity advisory board established under section 1803(e) and agreed to by the Secretary; and

"(2) the term 'educational opportunity advisory board' means an advisory board established in accordance with section 1803(e).

"SEC. 1803. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From amounts made available under section 1002(f)(3), the Secretary may award grants to ten local educational agencies for the design and operation of one or more educational opportunity schools.

"(b) INAPPLICABILITY.—Title IX of the Education Amendments of 1972, section 204 of the Education Amendments of 1974, section 1979 of the Revised Statutes (42 U.S.C. 1983), and any other law prohibiting discrimination on the basis of sex, shall not apply to a local educational agency or an educational opportunity school during the period such agency or school receives assistance under this part only to the extent the Secretary determines necessary to ensure the development and operation of same gender classes in accordance with this part.

"(c) GRANT PERIODS.—Each grant under subsection (a) may be awarded for a period of not more than 5 years, of which a local educational agency may use not more than 1 year for planning and program development.

"(d) LIMITATION.—The Secretary shall not award more than one grant under this part to support a particular educational opportunity school or consortium of such schools.

"(e) EDUCATIONAL OPPORTUNITY ADVISORY BOARD.—Each local educational agency receiving a grant under this part shall establish an educational opportunity advisory board. Such advisory board shall be composed of school administrators, parents, teachers, local government officials and volunteers involved with an educational opportunity school. Such advisory board shall assist the local educational agency in developing the application for assistance under section 1804 and serve as an advisory board in the functioning of the educational opportunity school.

"SEC. 1804. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each local educational agency desiring a grant under this part shall submit, within 180 days of the date of enactment of the Improving America's Schools Act of 1994, an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require.

"(b) SCOPE OF APPLICATION.—Each application described in subsection (a) may request assistance for a single educational opportunity school or for a consortium of such schools.

"(c) APPLICATION CONTENTS.—Each application described in subsection (a) shall include—

"(1) a description of the educational program to be implemented by the proposed educational opportunity school, including—

"(A) the grade levels or ages of children to be served; and

"(B) the curriculum and instructional practices to be used;

"(2) a description of the objectives of the local educational agency and a description of how such agency intends to monitor and study the progress of children participating in the educational opportunity school;

"(3) a description of how the local educational agency intends to include in the educational opportunity school administrators, teaching personnel, and role models from the private sector;

"(4) a description of how school administrators, parents, teachers, local government and volunteers will be involved in the design and implementation of the educational opportunity school;

"(5) a description of how the local educational agency or the State, as appropriate, will provide for continued operation of the educational opportunity school once the Federal grant has expired, if such agency determines that such school is successful;

"(6) a description of how the grant funds will be used;

"(7) a justification for the waiver or inapplicability of any Federal statutory or regulatory requirements that the local educational agency believes are necessary for the successful operation of the educational opportunity school and a description of any State or local statutory or regulatory requirements, that will be waived for, or will not apply to, the educational opportunity school, if necessary;

"(8) a description of how students in attendance at the educational opportunity school, or in the community, will be—

"(A) informed about such school; and

"(B) informed about the fact that admission to same gender classes is completely voluntary;

"(9) a description of how grant funds will be used in conjunction with funds provided under this title, and any other Federal programs, administered by the Secretary;

"(10) an assurance that the local educational agency will annually provide the Secretary such information as the Secretary may require to determine if the educational opportunity school is making satisfactory progress toward achieving the objectives described in paragraph (2);

"(11) an assurance that the local educational agency will cooperate with the Secretary in evaluating the program authorized by this part;

"(12) assurances that resources shall be used equally for same gender classes for boys and for girls;

"(13) assurances that the activities assisted under this part will not have an adverse affect, on either sex, that is caused by—

"(A) the distribution of teachers between same gender classes for boys and for girls;

"(B) the quality of facilities for boys and for girls;

"(C) the nature of the curriculum for boys and for girls;

"(D) program activities for boys and for girls; and

"(E) instruction for boys and for girls; and

"(14) such other information and assurances that the Secretary may require.

"SEC. 1805. SELECTION OF GRANTEES.

"The Secretary shall award grants under this part on the basis of the quality of the applications submitted under section 1804, taking into consideration such factors as—

"(1) the quality of the proposed curriculum and instructional practices;

"(2) organizational structure and management of the school;

"(3) the quality of the plan for assessing the progress made by children in same gender classes over the period of the grant;

"(4) the extent of community support for the application; and

"(5) the likelihood that the educational opportunity school will meet the objectives of such school and improve educational results for students; and

"(6) the assurances submitted pursuant to section 1804(c)(13).

On page 474, line 16, strike "$20,000,000" and insert "$19,000,000".

On page 474, between lines 18 and 19, insert the following:

"(3) PART H.—(A) For the purpose of carrying out part H, 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.

"(B) Funds appropriated under subparagraph (A) shall remain available until expended.

GREGG AND (DOLE) AMENDMENT NO. 2431

Mr. GREGG (for himself and Mr. DOLE) proposed an amendment to the bill, S. 1513, supra; as follows:

At the appropriate place, add the following:

It is the sense of the Senate that United Nations Security Council Resolution 940 of July 31, 1994 does not constitute authorization for the deployment of U.S. Armed Forces under Article I of the Constitution of the United States or pursuant to Public Law 93-148 (the War Powers Act of 1973).

GREGG AND (OTHERS) AMENDMENT NO. 2432

Mr. GREGG (for himself, Mrs. KASSEBAUM, Mr. SIMPSON, and Mr. WALLOP) proposed an amendment to the bill, S. 1513, supra; as follows:

On page 474, strike lines 8 and 9, and insert the following:

"(f) FEDERAL EVALUATIONS.—For the purpose of carrying".

On page 474, strike lines 14 through 18.

On page 574, beginning with line 15, strike all through page 588, line 14.

On page 635, lines 14 and 15, strike "AND DEMONSTRATIONS".

On page 641, beginning with line 11, strike all through page 643, line 12.

On page 655, lines 20 and 21, strike ", of which 10 percent of such 5 percent shall be available to carry out section 2114".

On page 663, beginning with line 23, strike all through page 672, line 17.

On page 698, beginning with line 19, strike all through page 704, line 15.

On page 704, line 16, strike "4" and insert "3".

On page 736, beginning with line 13, strike all through page 738, line 10.

On page 738, beginning with line 16, strike all through page 788, line 6.

On page 788, line 7, strike "B" and insert "A".

On page 807, line 15, strike "C" and insert "B".

On page 815, beginning with line 1, strike all through page 832, line 9.

On page 843, lines 20 and 21, strike "From amounts reserved under section 4112(d) for each fiscal year, the" and insert "The".

On page 846, strike lines 1 through 4.

On page 936, strike lines 1 through 21.

On page 937, strike lines 1 and 2, and insert "part.".

On page 946, beginning with line 21, strike all through page 961, line 12.

On page 1004, beginning with line 1, strike all through page 1005, line 9.

On page 1005, beginning with line 11, strike all through page 1035, line 11.

On page 1128, lines 12 and 13, strike "sections 2114 and" and insert "section".

On page 1172, beginning with line 17, strike all through page 1185, line 24.

On page 1234, line 13, insert end quotation marks and a period after the period.

On page 1234, beginning with line 14, strike all through page 1296, line 25.

On page 1358, beginning with line 10, strike all through 1368, line 24.

SMITH AMENDMENT NO. 2433

Mr. SMITH proposed an amendment to the bill, S. 1513, supra; as follows:

At the appropriate place, add the following:

SEC. . PROHIBITION AGAINST FUNDS FOR HOMOSEXUAL SUPPORT.

(a) PROHIBITION.—No local educational agency that receives funds under this Act shall implement or carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle alternative.

(b) DEFINITION.—A program or activity, for purpose of this section, includes the distribution of instructional materials, instruction, counseling, or other services on school grounds or referral of a pupil to an organization that affirms a homosexual lifestyle.

HELMS AMENDMENT NO. 2434

Mr. HELMS proposed an amendment to amendment No. 2433 proposed by Mr. SMITH to the bill, S. 1513, supra; as follows:

Strike all after "Sec.", and insert the following:

PROHIBITION AGAINST FUNDS FOR HOMOSEXUAL SUPPORT.

(a) PROHIBITION.—No local educational agency that receives funds under this Act shall implement or carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle alternative.

(b) DEFINITION.—A program or activity, for purposes of this section, includes the distribution of instructional materials, instruction, counseling, or other services on school grounds, or referral of a pupil to an organization that affirms a homosexual lifestyle.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect one day following the enactment of this Act.

KENNEDY (AND JEFFORDS) AMENDMENT NO. 2435

Mr. KENNEDY (for himself and Mr. JEFFORDS) proposed an amendment to amendment No. 2433 proposed by Mr. SMITH to the bill S. 1513, supra; as follows:

At the end of the pending amendments, insert the following:

SEC. . LIMITATION.

(a) IN GENERAL.—None of the funds authorize under this Act shall be used to develop materials or programs directed at youth that are designed to directly promote or encourage, sexual activity, whether homosexual or heterosexual.

KENNEDY AMENDMENT NO. 2436

Mr. KENNEDY proposed an amendment to amendment No. 2433 proposed by Mr. SMITH to the bill S. 1513, supra; as follows:

At the end of the pending amendment, insert the following:

SEC. . LIMITATION.

None of the funds authorized to be appropriated under this Act may be used to coordinate the delivery of health services including making condoms available in a public school unless the program under which such condoms are made available—

(1) has been determined by the local school board to be appropriate and in furtherance of the National Education Goals; and

(2) has been developed in consultation with parents; and

(s) provides information through the school concerning the health benefits of abstinence.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I want to announce a change in the schedule of the Committee on Small Business. The committee markup on the Small Business Administration reauthorization has been rescheduled for Wednesday, August 3, at 2:15 p.m., in room SR 428A. This markup had previously been scheduled for Tuesday morning.

Those wishing additional information should contact the committee's hearing clerk, Laura Lecky, at 224-5175.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on "Oversight of the Insurance Industry: Blue Cross/Blue Shield—Federal Contracts".

This hearing will take place on Friday, August 5, 1994, at 9 a.m., and Monday, August 8, 1994, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanor Hill of the subcommittee staff at 224-3721.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation will hold hearings to review the administration's proposed legislation on meat and poultry inspection. The hearings will be held in SR-332 on Thursday, August 11, 1994, and in SR-385 on Friday, August 12, 1994. The hearings will begin at 8:30 a.m. both days. Senator TOM DASCHLE will preside.

For further information contact Tracey Henderson or Tom Buis at 224-2321.

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 Monday, August 1, 1994, at 4 p.m., in executive session, to discuss matters related to conference with the House Committee on Armed Services on the Department of Defense authorization bill, and to consider certain pending nominations.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Monday, August 1, beginning at 10:30 a.m. to conduct a hearing pursuant to Senate Resolution 229.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Monday, August 1, 1994, beginning at 2 p.m., in 485 Russell Senate Office Building to consider for report to the Senate S. 2075, to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the act; S. 2150, the Native Hawaiian Housing Assistance Act of 1994; and, for other purposes to be followed immediately by a hearing on S. 2329, the Mohegan Nation of Connecticut Land Claims Settlement Act.

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

ADDITIONAL STATEMENTS

TAX DEDUCTIBILITY OF FLIGHT TRAINING EXPENSES

• Mr. BROWN. Mr. President, I am pleased to introduce S. 2338, a bill which will restore some fairness to our current tax system. Approximately 200 veteran pilots throughout the country are currently unable to obtain refunds from the Internal Revenue Service [IRS] for taxes they paid which the IRS later ruled were unnecessary. This bill would create a 1-year grace period during which veteran pilots would be able to file for tax refunds.

In 1980, the IRS issued a rule, Revenue Rule 80-173, which retroactively repealed a provision which had been enforced since 1962. The IRS issued this rule against veteran pilots who had previously been allowed to receive educational benefits from the Department of Veteran Affairs and to claim a deduction for tuition expenses. The result of the IRS reversing its own ruling retroactively was that veteran pilots were charged back taxes, interest, and penalties. It seems unfair to me to apply a revenue ruling retroactively to the detriment of taxpayers who took a deduction as instructed.

An Eleventh Circuit Court decision allowed for some veteran pilots to successfully receive refunds of the tax they had been required to pay. However, 200 pilots throughout this country have not been as fortunate because they do not fall within the geographic jurisdiction of the 11th Circuit Court. There is no provision under the law which would allow the IRS to cancel the tax and refund the overpayment because claims for refund or credit must be filed within 3 years of the due date of the return or 2 years from the date the tax was paid, whichever is later. This legislation would enable the remaining 200 veteran pilots a 1-year opportunity to file for a refund.

These pilots are frustrated by this inequity and it is time to provide them the opportunity to settle this matter with the Federal Government.

Similar legislation—H.R. 642—has been introduced in the House of Representatives by Representative SUNDQUIST. The issue is fairness. I hope my colleagues will agree and cosponsor this important bill.

I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 2338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN REIMBURSED FLIGHT TRAINING EXPENSES.

(a) IN GENERAL.—In the case of a taxable year beginning before January 1, 1980, the determination of whether a deduction is allowable under section 162(a) of the Internal Revenue Code of 1954 for flight training expenses shall be made without regard to whether the taxpayer was reimbursed for any portion of such expenses under section 1677(b) of title 38, United States Code (as in effect before its repeal by Public Law 97-35).

(b) STATUTE OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of subsection (a) is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), refund or credit of such overpayment (to the extent attributable to the application of subsection (a)) may, nevertheless, be made or allowed if claim therefor is filed before the close of such 1-year period.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Mark Engman, a member of the Staff of Senator CAMPBELL, to participate in a program in Taiwan, sponsored by the Soochow University from July 2-9, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Engman in this program.

The select committee received notification under rule 35 for Kenneth Levinson, a member of the staff of Senator ROCKEFELLER, to participate in a program in China, sponsored by the Chinese Peoples Institute of Foreign Affairs, from August 13-29, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Levinson in this program.

The select committee received notification under rule 35 for Cynthia Lasker, a member of the staff of Senator RIEGLE, to participate in a program in Japan, sponsored by the Association for Communication of Transcultural Study from July 8-16, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Lasker in this program.

The select committee received notification under rule 35 for Donald Hardy, a member of the staff of Senator SIMPSON, to participate in a program in China, sponsored by the Chinese Institute of Foreign Affairs, from August 15-28, 1994. The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Hardy in this program.

The select committee received notification under rule 35 for Elise Gemeinhardt, a member of the staff of Senator SIMPSON, to participate in a program in Taiwan sponsored by the Soochow University from July 2-9, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Gemeinhardt in this program.

The select committee received notification under rule 35 for Jack Clark, a member of the staff of Senator NICKLES, to participate in a program in Germany sponsored by the Hanns Seidel Foundation from July 2–9, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Clark in this program.

The select committee received notification under rule 35 for James Assey, a member of the staff of Senator HOLLINGS, to participate in a program in Taiwan sponsored by the Soochow University from July 2–9, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Assey in this program.

The select committee received notification under rule 35 for Richard McGahey, James Lee Price, Glen Roselli, and Kenneth Nelson, members of the staff of Congressman OBEY, to participate in a program in Canada, sponsored by the Centre for Legislative Exchange, from July 11–13, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Messrs. McGahey, Price, Roselli, and Nelson in this program.●

ORDER OF BUSINESS

Mr. MITCHELL. Mr. President, we will resume consideration of this bill at 9 o'clock tomorrow morning. The managers have set forth a proposed schedule for amendments to be offered at that time. Senators can expect votes to occur from approximately midmorning on. The exact time will be announced in the morning.

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. 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. FORD. Mr. President, I inquire, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. How much time do I have?

The PRESIDING OFFICER. Each Senator is permitted to speak up to 10 minutes.

TALK A LITTLE HISTORY

Mr. FORD. Mr. President, over the next few days, I am going to put into practice what other Senators have done on occasion, and that is, talk a little history. The history, I hope, will be important to my colleagues because of the importance of the health care bill that apparently will be introduced tomorrow and distributed on Wednesday, and the debate will start next week.

Mr. President, during the 1960 Presidential campaign, Richard Nixon hired a foreign policy speech writer named William Peterson, a professor of economics at New York University in downtown New York City.

When the ranking Republican on the Senate Agriculture Committee, Senator Carl Mundt, heard this, he was furious. According to Peterson, he ranted at Nixon, "Downtown! That means the only vegetation he ever gets to see is that in Central Park. He wouldn't even know the business end of a cow if he saw one."

It turned out that Peterson did know a thing or two about agriculture, but Senator Mundt made an important point. When we make policy, we must have a solid understanding of the industry affected by our legislation.

Mr. President, over the past few months, it seems that everybody has become a tobacco expert. They claim to know all of the possible health effects, and which tobacco company did what and when.

A few Congressmen and Senators would like you to believe they are playing David to the tobacco company's Goliath. But the real David is the tobacco farmer, who is being forced to fight a public relations Goliath.

Colman McCarthy said this in the Washington Post a few weeks ago. He was a reporter who was dispatched from the Washington Post to Kentucky to see how real folks live.

This is what he said in the article:

> The smooth talk and rough exchanges in Washington have omitted (the Kentucky farmer), as if they have no opinions worth hearing and no culture worth honoring.

I believe those farmers have opinions worth hearing, and a culture worth honoring. It is the reason that I defend tobacco.

There are over 100,000 tobacco allotment holders in Kentucky alone. In Kentucky, they feel the same way and are counting on me to help preserve this tradition—and basically this way of life.

The State of Virginia was once described as having the "brown stain of tobacco juice on every page of her history." The same could be said of Kentucky, where tobacco fields and curing barns are a regular part of the landscape, where much of community life is still marked by the rituals of planting, cutting, housing, and stripping. And where the fall sales mean college educations, new equipment, and the preservation of the family farm.

The politics of tobacco are about more than the financial security the crop brings to Kentucky families. It is also about community life, about working together, and socializing together. A Kentucky farmer and writer describes it as the "tobacco culture * * * the experience of growing up in a community in which everybody was passionately interested in the quality of a local product * * * where the rhythm of the farming year * * * was set by the annual drama of the tobacco crop."

Mr. President, as I have said, over the next few days, I hope to take a little time on the floor to introduce the farmer into this debate, and equally important, to share with my colleagues what I know about tobacco.

In that same Washington Post article, Colman McCarthy said:

> With no way to convert to other crops—poor soil, much lower prices—what are (farmers) to do? Just get lost? Sell the farm? Go up in smoke? If any anti-smoking crusaders have any non-simplistic answers—and are free of their own addictions to press releases, finger-pointing and moralizing—60,000 Kentucky farm (families) would like to know.

I could not have said it better myself, Mr. President.

My dad used to say that when you are not invited to the table, sometimes you just have to set your own. Mr. President, the farm community deserves better than leftover table scraps, like part of a high tobacco tax, from the antitobacco forces public relations feast. So today the farm community is setting their own table.

Not only will I be sharing my thoughts on tobacco, but I will be sharing with you what Kentucky farmers and their families have to say.

I hope my colleagues will take the time to listen or to read the remarks that are in the RECORD and try looking at the tobacco issue through the eyes of tens of thousands of farm families for whom this is a way of life.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE PUBLIC HEALTH IMPROVEMENT ACT

Mr. FORD. Mr. President, I understand that S. 2346, the Public Health Improvement Act, introduced earlier today by Senator GRAHAM, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Mr. President, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2346) 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.

Mr. FORD. Mr. President, I now ask for its second reading, and, Mr. President, on behalf of the minority leader, Mr. DOLE, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. 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. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, August 2; 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 immediately thereafter, the Senate resume consideration of S. 1513, the Elementary and Secondary Education Authorization bill; and that on Tuesday, the Senate stand in recess from 12 noon to 2 p.m. in order to accommodate the respective party conferences.

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

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:09 p.m., recessed until Tuesday, August 2, 1994, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Monday, August 1, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 1, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON] for 5 minutes.

PASS THE CRIME BILL

Mr. RICHARDSON. Mr. Speaker, this week, we are ready to pass a crime bill that is the largest commitment to stopping crime that Congress has ever considered.

I understand that not everyone is happy with a few provisions in the crime bill. I, for example, have problems with the assault weapons ban which is a part of the bill.

However, I am willing to put aside my few objections and stand here in support of a crime bill our constituents claim is the single most important issue affecting their lives.

We must look at the entire bill and recognize the provisions such as more law enforcement, more prisons, and more crime prevention programs, which will effectively stop crime.

All of us in Congress, no matter what party we represent, must put aside all of our disagreements. We must stand here together in support of legislation which sends the message to criminals that we will no longer turn our heads to their actions.

I commend the chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], and the minority for bringing us a good bill.

Mr. Speaker, all across the Nation, each and every American has been telling us to make their schools, neighborhoods, and homes safe again.

At various town meetings in my district in New Mexico, my constituents continue to ask when Congress will pass the crime bill. I hope that within a few days, I will be able to tell them that the crime bill has passed and will soon become law.

The point is, Mr. Speaker, that all Members must stop analyzing and searching for every small portion of the legislation which they do not completely agree with.

It is time for all Members to accomplish passing legislation so that we can tell everyone back home that action is being taken.

We all know that this crime bill is filled with strong, effective provisions that every American has been asking for. Furthermore, out of the $33 billion that will address a variety of anti-crime strategies, $30.2 billion will be financed through the saving coming from the elimination of 270,000 Federal jobs. So let's not wait any longer. Let's pass this crime bill now and get the job done.

President Clinton has called upon Congress to vote for a crime package that is strong, smart and tough. A package that will punish offenders, yet will also promote measures to prevent crime. This crime bill does just that—it punishes criminals and offers good prevention measures.

This crime bill sends the message to repeat offenders that enough is enough. It tells them that if you do violence to others, you will be punished. The "three strikes you're out" provision will send criminals with three serious offenses to prison for life.

Those who commit certain Federal offenses will also be subject to the death penalty making this crime bill tough on criminals.

Smart crime prevention measures are also included in this crime bill. Literally billions of dollars will be directed to youth crime prevention including measures to keep kids occupied and off the streets. This crime bill also allows grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking. It also supports drug treatment programs within State and local correctional facilities.

Prevention measures in the bill focus on kids by, for example, creating youth recreation programs which will give young people an opportunity to exercise athletics in the hopes that this will build teamwork incentives and get them off the streets.

Furthermore, with 100,000 new cops on the beat, criminals will want to think twice before harming anyone. And let us make sure that we not forget rural areas in community policing. This measure should not just benefit big cities like Los Angeles and New York, but small communities as well.

Everyone, from the mayor to the high school student, must realize that stopping crime is a joint effort, and the battle against crime will not be won unless everyone participates. For this reason, our crime bill helps local governments and local police find new ways to best protect those who live in their communities. The best solutions to crime are local, and this bill emphasizes local solutions.

Again, I stand here to ask every Member of Congress to have the courage to put our differences aside, and unite in a joint effort to pass legislation which will effectively and substantially stop crime.

RECESS

The SPEAKER pro tempore (Mr. HASTINGS). There being no further requests for morning business, pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 39 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind us, O God, to reflect on the blessings we have been given and what we so often take for granted. We know it is our nature to focus on the comforts of life and yet on this day we pause and give thanks for the basics—for food and drink, for clothing and shelter, for family and friends. We know too that many people do not have

this food or family or shelter and do not share in the fundamental needs of the human spirit or body. We are thankful, O God, that in the present need individuals and groups and nations are sharing the burden and easing the pain and suffering so that dire needs will be met and new life and hope will be nourished. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. The gentleman from Arizona [Mr. STUMP] will come forward and lead the House in the Pledge of Allegiance.

Mr. STUMP 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 had passed a resolution of the following title, in which the concurrence of the House is requested:

S. RES. 246

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Hugh Scott, formerly a Senator from the State of Pennsylvania.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 275. Concurrent resolution waiving the requirement in section 132 of the Legislative Reorganization Act of 1946 that the Congress adjourn sine die not later than July 31 of each year.

CONFERENCE REPORT ON H.R. 4426, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1995

Mr. YATES submitted the following conference report and statement on the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

CONFERENCE REPORT (H. REPT. 103-633)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4426) "making appropriations for the Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1995," 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 3, 13, 14, 15, 16, 17, 23, 29, 30, 34, 46, 47, 51, 53, 71, 84, 110, 111, 113, 114, 115, 116, 117, 125, 135, 136, 137, 141, 144, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 156, 157, 159, 160, 162, and 164.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 10, 20, 21, 22, 26, 27, 28, 31, 32, 35, 37, 38, 39, 56, 57, 59, 61, 62, 64, 66, 67, 68, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 83, 85, 87, 88, 89, 90, 92, 93, 95, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 112, 119, 120, 122, 123, 124, 126, 127, 128, 130, 131, 132, 133, an 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: *$90,000,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$374,000,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$50,000,000*; 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: *$853,000,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided, That of the funds appropriated under this title under the heading "Agency for International Development", (1) not less than $280,000,000 should be made available for activities which have as their objective the reduction of childhood mortality, including such activities as immunization programs, oral rehydration programs, and education programs which address improved nutrition, and water and sanitation programs, (2) not less than $135,000,000 should be made available for basic education programs; and (3) not less than $25,000,000 should be made available for micronutrient programs*; 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 matter proposed by said amendment, insert: *: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate," as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options including abortion*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *: Provided further, That of the funds appropriated under this heading, not less than the amount equal to the amount made available for the Office of Population of the Agency for International Development in fiscal year 1994 shall be made available to that office: Provided further, That the Administrator of the Agency for International Development may decrease that amount only if he consults with and provides a written justification to the Committees on Appropriations: Provided further, That such justification shall be considered in accordance with the regular notification procedures of the Committee on Appropriations*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided, That of this amount not more than $1,475,000 may be made available to pay for printing costs: Provided further, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of that Agency or the Administrator's designee*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,349,000,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$850,000,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

Delete the matter stricken and delete the matter proposed; and the Senate agreed to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(i) Of the funds appropriated under this heading, no less than $15,000,000 should be available only for a family planning program for the new independent states of the former Soviet Union

comparable to the family planning program currently administered by the Agency for International Development in the Central Asian Republics and focusing on population assistance which provides an alternative to abortion.

And the Senate agree to the same.

Amendment numbered 41:

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(k) Of the funds appropriated under this heading, not less than $150,000,000 should be made available for programs for Ukraine: Provided, That of these funds not less than $25,000,000 should be made available for land privatization activities and development of small and medium size businesses, including agriculture enterprises.

And the Senate agree to the same.

Amendment numbered 42:

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(l) Of the funds made available by this or any other Act, not less than $75,000,000 should be made available for programs and activities for Armenia.

And the Senate agreed to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(m) Of the funds made available by this or any other Act, not less than $50,000,000 should be made available for programs and activities for Georgia.

And the Senate agreed to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(n) The President should establish a Trans-Caucasus Enterprise Fund.

And the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(o) The report required by subsection (d) under the heading "Assistance for the New Independent States of the Former Soviet Union", contained in Public Law 102-391, shall be updated at least annually and shall also contain a listing of all grants and contracts issued from funds appropriated annually for the new independent states of the former Soviet Union, to include for each grant and contract (1) a description of its purpose, (2) its amount, and (3) the country where the grant or contract funds are to be expended.

And the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(p) Not less than $50,000,000 of the funds appropriated under this heading should be made available for programs and activities which match United States private sector resources with Federal funds.

And the Senate agree to the same.

Amendment numbered 49

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(q) Within sixty days of enactment of this Act, the Administrator of the Agency for International Development shall report to the Committees on Appropriations on steps being taken to include individuals and organizations with language or regional expertise in the provision of assistance to the new independent states of the former Soviet Union.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(r) Of the funds appropriated under this heading and under the heading "Assistance for Eastern Europe and the Baltic States", not to exceed $30,000,000 shall be made available for police training and exchanges, and investigative and technical assistance activities related to international criminal activities.

And the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

(s) Of the funds appropriated under this heading, not less than 50 percent should be made available for country specific activities within bilateral, regional, or multilateral programs, except as provided through the regular notification procedures of the Committees on Appropriations.

And the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$105,000,000*; and the Senate agree to the same.

Amendment numbered 55:

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *Provided, That during fiscal year 1995, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive non-lethal excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended as follows:

In lieu of "$12,000,000" named in said amendment, insert: *$6,000,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment and retain the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *Provided further, That none of the funds appropriated under this heading or under the heading "Military-to-Military Contact Program" may be made available for Thailand or Algeria except through the regular notification procedures of the Committees on Appropriations: Provided further, That the Secretary of State shall submit, by February 1, 1995, a report to the Committees on Appropriations on the Thai military's support for the Khmer Rouge and the Thai Government's efforts to impede support for Burmese democracy advocates, exiles, and refugees*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *Provided, That funds appropriated under this heading may be made available only for activities in the area of responsibility of the United States Pacific Command and*; and on page 23, line 18 of the House engrossed bill, H.R. 4426, strike "be made available only".

And the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *Provided further, That 10 percent of the principal amount of direct loans for Turkey shall be withheld until the Secretary of State, in consultation with the Secretary of Defense, has submitted to the Committees on Appropriations a report addressing, among other things, the allegations of abuses against civilians by the Turkish armed forces and the situation in Cyprus, and a separate notification has been submitted at least 15 days prior to the obligation of such funds; Provided further, That 10 percent of the principal amount of direct loans for Greece shall be withheld until the Secretary of State has submitted to the Committees on Appropriations a report on the allegations of Greek violations of the United Nations sanctions against Serbia and of the United Nations Charter, and a separate notification has been submitted at least 15 days prior to the obligation of such funds*; and the Senate agree to the same.

Amendment numbered 81:

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That

the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $24,322,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $33,944,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1995 and 1996: Provided further, That such sums shall remain available through fiscal year 2003 for the disbursement of direct and guaranteed loans obligated in fiscal year 1995, and through fiscal year 2004 for the disbursement of direct and guaranteed loans obligated in fiscal year 1996. In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

And on page 31, line 2, of the House engrossed bill, H.R. 4426, delete "PROGRAM ACCOUNT"; and the Senate agree to the same.

Amendment numbered 82:

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment, as follows:

Restore the matter stricken, amended to read as follows: *North Korea,*; and the Senate agree to the same.

Amendment numbered 86:

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: *or personnel level, with regard to individuals detailed or assigned to the Agency for International Development prior to October 1, 1994, established pursuant to any provision of law or regulation*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: .

(b) Section 13 of the Department of State Appropriations Authorization Act of 1973 is repealed.

(c) The Secretary of the Treasury may, to fulfill commitments of the United States, (1) subscribe to and make payment for shares of the Inter-American Development Bank, make contributions to the Fund for Special Operations of that Bank, and vote for resolutions (including amendments to that Bank's constitutive agreement), all in connection with the eighth general, increased in resources of that Bank; and (2) contribute to the Restructured Global Environment Facility under its Instrument, to the African Development Fund in connection with the seventh general replenishment of its resources, and to the Interest Subsidy Account of the successor to the Enhanced Structural Adjustment Facility of the International Monetary Fund. The amount authorized to be appropriated for payment for paid-in shares of the Inter-American Development Bank is limited to $76,832,001, the amount authorized to be appropriated for payment for callable shares of the Inter-American Development Bank is limited to $4,511,156,729, and the amount authorized to be appropriated for payment of the contribution to the Interest Subsidy Account of the successor to the Enhanced Structural Adjustment Facility of the International Monetary Fund is limited to $25,000,000. The amount to be paid is respect of each such contribution or subscription is authorized to be appropriated without fiscal year limitation. Each such subscription or contribution shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(d) Title XV of the International Financial Institutions Act (22 U.S.C. 262a) is amended by adding at the end the following:

"SEC. 1502. MILITARY SPENDING BY RECIPIENT COUNTRIES; MILITARY INVOLVEMENT IN THE ECONOMIES OF RECIPIENT COUNTRIES.

"(a) CONSIDERATION OF COMMITMENT TO ACHIEVING CERTAIN GOALS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions (as defined in section 1701(c)(2)) to promote growth in the international economy by taking into account, when considering whether to support or oppose loan proposals at these institutions, the extent to which the recipient government has demonstrated a commitment to achieving the following goals:

"(A) to provide accurate and complete data on the annual expenditures and receipts of the armed forces;

"(B) to establish good and publicly accountable governance, including an end to excessive military involvement in the economy; and

"(C) to make substantial reductions in excessive military spending and forces.

"(b) STEPS TO ACHIEVE GOALS REQUIRED.—The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions (as to defined) to promote a policy at each institution under which—

"(1) the respective institution monitors closely and, through regular policy consultations with recipient governments, seeks to influence the composition of public expenditure in favor of funding growth and development priorities and away from unproductive expenditures, including excessive military expenditures;

"(2) the respective instutition supports lending operations which assist efforts of recipient governments to promote good governance, including public participation, and reduce military expenditures; and

"(3) the allocation of resources and the extension of credit by the respective institution takes into account the performance of recipient governments in the areas of good governance, ending excessive military involvement in the economy and reducing excessive military expenditures.".

(e) Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by redesignating section 1620 as section 1622 and by inserting after section 1619 the following:

"SEC. 1620. RESPECT FOR INDIGENOUS PEOPLES

"The Secretary of the Treasury shall direct the United States Executive Directors of the international financial institutions (as defined in section 1701(c)(2)) and the United States representative to the council of the Global Environment Facility administered by the International Bank for Reconstruction and Development to use the voice and vote of the United States to bring about the creation and full implementation of policies designed to promote respect for and full protection of the territorial rights, traditional economies, cultural integrity, traditional knowledge and human rights of indigeneous peoples.

"SEC. 1621. ENCOURAGEMENT OF FAIR LABOR PRACTICES.

"(a) The Secretary of the Treasury shall direct the United States Executive Directors of the international financial institutions (as defined in section 1701(c)(2)) to use the voice and vote of the United States to urge the respective institution

"(1) to adopt policies to encourage borrowing countries to guarantee internationally recognized worker rights (within the meaning of section 502(a)(4) of the Trade Act of 1974) and to include the status of such rights as an integral part of the institution's policy dialogue with each borrowing country;

"(2) in developing the policies referred to in paragraph (1), to use the relevant conventions of the International Labor Organization, which have set forth, among other things, the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, and certain minimum labor standards that take into account differences in development levels among nations including a minimum age for the employment of children, acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health; and

"(3) to establish formal procedures to screen projects and programs funded by the institution for any negative impact in a borrowing country on the rights referred to in paragraph (1).

"(b) The Secretary of the Treasury shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate by the end of each fiscal year a report on the extent to which each borrowing country guarantees internationally recognized worker rights to its labor force and on progress toward achieving each of the goals described in subsection (a).".

(f) The Inter-American Development Bank Act (22 U.S.C. 283 et seq.) is amended by adding at the end the following:

"SEC. 38. FOCUS ON LOW-INCOME AREAS OF LATIN AMERICA AND THE CARIBBEAN.

"The Secretary of the Treasury shall direct the United States Executive Director of the Bank to use the voice and vote of the United States to support an increased focus on the poorest countries in Latin America and the Caribbean, and on poorer areas of better off countries, and to support programs conducted by the Multilateral Investment Fund, particularly in targeting low-income countries and populations, working with nongovernmental organizations and training and assisting former combatants from civil conflicts in Latin America."

And on page 49, line 24, of the House engrossed bill, H.R. 4426, after "Sec. 526." insert: (a) ; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert: , *Serbia, or Montenegro*; and the Senate agree to the same.

Amendment numbered 102:

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment, as follows:

Restore the matter stricken, amended to read as follows: *country or*; and the Senate agree to the same.

Amendment numbered 109:

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended to read as follows:

At the end of the matter proposed, insert the following:

(c) The authority of section 516 of the Foreign Assistance Act of 1961, as amended may be used in fiscal year 1995 to provide defense articles to Jordan, except that the provision of such defense articles shall be subject to section 538 of this Act.

And the Senate agree to the same.

Amendment numbered 118:

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 561. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961; or

(2) credits extended or guarantees issued under the Arms Export Control Act.

(b) LIMITATIONS.—(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the international Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose governmment—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

And the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

IMPLEMENTATION OF WORLD BANK RECOMMENDATIONS

SEC. 567. (a) Funds appropriated by title I of this Act under the headings "Contribution to the International Bank for Reconstruction and Development" and "Contribution to the International Development Association" shall be available for payment to such institutions as follows:

(1) Fifty percent of the funds appropriated under each such heading shall be made available prior to April 1, 1995. Fifty percent of the funds appropriated under each such heading shall be made available on April 1, 1995, or thereafter, only if the Secretary of the Treasury makes the determinations (and so reports to the Committees on Appropriations) described in paragraph (2) of this subsection at any time on or after that date.

(2) The determinations referred to in paragraph (1) are determinations that the International Bank for Reconstruction and Development is—

(A) implementing the recommendations contained in "Next Steps", the follow-up to the Wapenhans Report;

(B) implementing the action plan contained in chapter 8 of its April 8, 1994, resettlement review entitled "Resettlement and Development"; and

(C) implementing the Bank's procedures on Disclosure of Operational Information issued in September 1993.

(b) Funds appropriated by title I of this Act under the heading "Contribution to the International Finance Corporation" shall be available for payment to such institution as follows:

(1) Fifty percent of the funds appropriated under such heading shall be made available prior to April 1, 1995. Fifty percent of the funds appropriated under such heading shall be made available on or after April 1, 1995, only if the Secretary of the Treasury makes the determination (and so reports to the Committees on Appropriations) described in paragraph (2) of this subsection.

(2) The determination referred to in paragraph (1) is a determination that the International Finance Corporation is pursuing reforms comparable to those adopted by the International Bank for Reconstruction and Development regarding the environment, information disclosure, and resettlement.

And the Senate agree to the same.

Amendment numbered 129:

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "the current fiscal year" named in said amendment, insert: *fiscal year 1995* ; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment to the Senate numbered 134, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

DONATION OF SURPLUS AGRICULTURAL COMMODITIES TO POLAND

SEC. 578. (a) EXTENSION OF AUTHORIZATION.—Section 2223(a) of the American Aid to Poland Act of 1988 (7 U.S.C. 1431 note) is amended by—

(1) inserting "if the Secretary of Agriculture determines for each fiscal year that (1) a donation under this section would not limit the Secretary's ability to meet urgent humanitarian needs for agricultural commodities, and (2) such donation would not cause a reduction in the price of the same of similar agricultural commodities produced in Poland" after "Notwithstanding any other provision of law,"; and

(2) striking "1988 through 1992" and inserting in lieu thereof "1995 through 1991".

(b) DEFINITION OF ELIGIBLE COMMODITIES.—Section 2223(b)(1) of that Act is amended by inserting ", soybeans, and soybean products" after "feed grains".

(c) ELIGIBLE ACTIVITIES.—Section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(ii)) is amended in the third sentence—

(1) by striking "and" at the end of subclause (II);

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

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

"(IV) the Polish Catholic Episcopate's Rural Water Supply Foundation.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 1994.

And the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment to the Senate numbered 138, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 582." named in said amendment, insert: SEC. 579.

And the Senate agree to the same.

Amendment numbered 139:

That the House recede from its disagreement to the amendment to the Senate numbered 139, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 583." named in said amendment, insert: *SEC. 580.*; and the Senate agree to the same.

Amendment numbered 140:

That the House recede from its disagreement to the amendment to the Senate numbered 140, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 584." named in said amendment, insert: *SEC. 581.*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 586." named in said amendment, insert: *SEC. 582.*

And in lieu of "shall" named in said amendment, insert: *should*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 587." named in said amendment, insert: *SEC. 583.*

And in lieu of "shall" named in said amendment, insert: *should*; and the Senate agree to the same.

Amendment numbered 149:

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment, as follows:

Retain the matter proposed by said amendment, amended as follows:

In lieu of "SEC. 593." named in said amendment, insert: *SEC. 584.*

And in lieu of "shall" named in said amendment, insert: *should*; and the Senate agree to the same.

Amendment numbered 158:

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

REPORT ON THE SALARIES AND BENEFITS OF THE IMF AND THE WORLD

SEC. 585. The Comptroller General shall submit a report to the Committees on Appropriations on the following—

(1) a review of the existing salaries and benefits of employees of the International Monetary Fund and the International Bank for Reconstruction and Development; and

(2) a review of all benefits paid to dependents of Fund and Bank employees.

Such report shall include a comparison of the salaries and benefits paid to employees and dependents of the Fund and the Bank with salaries and benefits paid to employees holding comparable positions in the public and private sectors in member countries and in the international sector.

And the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

BALTIC TROOP WITHDRAWAL

SEC. 586. (a) PROHIBITION.—None of the funds appropriated or otherwise made available by this Act (other than funds to carry out humanitarian assistance) may be available in any fiscal year for Russia unless the President has certified to the Congress not more than six months in advance of the obligation or expenditure of such funds that the Government of Russia and the Governments of Latvia and Estonia have established a timetable for the withdrawal of the armed forces of Russia and the Commonwealth of Independent States, and all parties are complying with such timetable.

(b) Subsection (a) does not apply if the President determines that the provision of funds to the Government of Russia is in the national security interest of the United States.

And on page 88 of the House engrossed bill, H.R. 4420, Strike all beginning on line 7 down to and including line 18 on page 89; and the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 587. (a) None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this subsection shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem.

(a) Meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

And the Senate agree to the same.

Amendment numbered 165:

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

REPORT ON BIOLOGICAL AND CHEMICAL WEAPONS

SEC. 588. The President shall report to the Committees on Appropriations, not later than January 30, 1995, on whether or not Russia has demonstrated a commitment to comply with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and, upon Russian ratification and entry into force, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and the Wyoming "Memorandum of Understanding Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition of Chemical Weapons".

And the Senate agree to the same.

Amendment numbered 166:

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment, as follows:

Delete the matter proposed by said amendment , and on page 91, line 17, of the House engrossed bill, H.R. 4426, in lieu of "This Act", insert: *Titles I through V* , and on page 91, after line 19, insert the following:

TITLE VI—FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, and for other purposes, namely:

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RELIEF FOR JORDAN

(a) AUTHORITY TO REDUCE DEBT.—(1) AUTHORITY.—For fiscal year 1994 and thereafter, the President is authorized to reduce or cancel amounts owed to the United States or any agency of the United States by the Hashemite Kingdom of Jordan as a result of loans originally made or credits originally extended by the United States or any agency of the United States before January 1, 1994.

(2) APPROPRIATIONS REQUIREMENT.—The authority provided by this section may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) CERTAIN PROHIBITIONS INAPPLICABLE.—The authority of this section may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961, as amended, section 321 of the International Development and Food Assistance Act of 1975, or similar provisions of law. In addition, a reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

(b) APPROPRIATIONS.—(1) APPROPRIATIONS.—For the cost of modifying direct loans, as defined in section 502 of the Congressional Budget Act of 1974, for Jordan, in accordance with the authority contained in this section, $99,000,000 is appropriated, to remain available until September 30, 1994.

(2) FISCAL YEAR 1994.—For fiscal year 1994—

(A) funds appropriated under this section may be used only for the cost of modifying direct loans entered into under programs administered by the Agency for International Development; and

(B) such funds may be used to reduce or cancel not to exceed $220,000,000 of the amounts owed pursuant to such loans.

AGENCY FOR INTERNATIONAL DEVELOPMENT

International Disaster Assistance

For an additional amount of "International Disaster Assistance", $20,000,000, to remain available until expended, for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended: Provided, That funds appropriated under this heading may be made available notwithstanding section 10 of Public Law 91-672: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF STATE

United States Emergency Refugee and Migration Assistance Fund

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $30,000,000: Provided, That such funds may be made available to respond to the current Rwandan refugee crisis if the President determines that it is in the national interest to do so: Provided further, That the entire amount is designated by Congress as an emergency requirement to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This title may be cited as the "Foreign Operations, Export Financing, and Related Programs Supplemental Appropriations Act, 1994".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment, as follows:

In lieu or the title proposed by the Senate, insert:

"An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1994, and for other purposes."

And the Senate agree to the same.

DAVID R. OBEY,
SIDNEY R. YATES,
CHARLES WILSON,
JOHN W. OLVER,
NANCY PELOSI,
ESTEBAN TORRES,
NITA M. LOWEY,
JOSE E. SERRANO,
MARTIN O. SABO,
BOB LIVINGSTON,
JOHN PORTER,
JIM LIGHTFOOT
(except for Jordan debt forgiveness),
SONNY CALLAHAN
(except for Jordan debt forgiveness),
JOSEPH M. MCDADE,
Managers on the Part of the House.

PATRICK J. LEAHY,
DANIEL K. INOUYE,
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,
DIANNE FEINSTEIN,
ROBERT C. BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF 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. 4426) making appropriations for Foreign Operations, Export Financing, and Related Programs for the fiscal year ending September 30, 1995, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Amendment No. 1: Inserts Senate language conditioning obligation of funds to purchase paid-in capital stock of the World Bank upon certification from Secretary of the Treasury that the Bank has not approved any loans to Iran since October 1, 1994.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

Amendment No. 2: Appropriates $90,000,000 for the Global Environment Facility (GEF) of the World Bank instead of $88,800,000 as proposed by the House and $98,800,000 as proposed by the Senate.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Amendment No. 3: Appropriates $1,235,000,000 for the International Development Association as proposed by the House instead of $1,207,750,000 as proposed by the Senate.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

Amendment No. 4: Deletes House language requiring that a portion of the funding for the Inter-American Development Bank and its Fund for Special Operations be provided subject to the regular notification procedures of the Committees on Appropriations.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

Amendment No. 5: Deletes House language requiring that a portion of the funding for the African Development Fund be provided subject to the regular notification procedures of the Committees on Appropriations.

The conferees are concerned about substantial management problems reported at the African Development Bank. Because of continuing negotiations aimed both at resolving many of these problems and at reaching agreement on replenishment levels, and because of the forceful pro-reform negotiating position of the Department of the Treasury, the conferees have deleted the proposed notification requirement. The conferees agree that if a rigorous reform agenda is not adopted at the Bank, funding alternatives for encouraging long term development in sub-Saharan Africa should be considered.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

Amendment No. 6: Inserts Senate language limiting the purchase of stock in the European Bank for Reconstruction and Development during fiscal year 1995 to not more than $7,002,000. The House had proposed to limit the stock purchase to 600 shares.

CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND

Amendment No. 7: Appropriates $25,000,000 for the Enhanced Structural Adjustment Facility (ESAF) of the International Monetary Fund as proposed by the Senate. The House proposed no funding for the ESAF.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Amendment No. 8: Appropriates $374,000,000 for International Organizations and Programs, instead of $366,000,000 as proposed by the House and $382,000,000 as proposed by the Senate.

WORLD FOOD PROGRAM

The conferees urge AID to provide $3,000,000 for the World Food Program in fiscal year 1995. This is the same amount as was provided in fiscal year 1994. The conferees recognize that the World Food Program plays an essential role in providing food and other aid to the neediest people in the world. The World Food Program faces unprecedented demands for food aid and emergency humanitarian assistance in conflict zones, particularly in the former Yugoslavia and sub-Saharan Africa.

Amendment No. 9: Limits the funds available to the United Nations Population Fund (UNFPA) to not more than $50,000,000, instead of $40,000,000 as proposed by the House and $60,000,000 as proposed by the Senate.

Amendment No. 10: Deletes House language allowing UNFPA to receive up to an additional $20,000,000 if it decided not to initiate a new program in China after its current program ends in 1995.

The conferees recommend up to $50,000,000 for a United States contribution to the United Nations Population Fund (UNFPA). This amount is $10,000,000 below the President's request, and reflects the conferees' concerns about persistent reports of coercive abortion and involuntary sterilization in China. The conferees note the UNFPA neither condones nor supports coercive practices, nor does it fund abortion. However, UNFPA plans to spend approximately $7,000,000 to support voluntary family planning programs in China, and the reduction in the United States contribution is intended to ensure that United States taxpayers are not in any way subsidizing China's program.

The conferees urge the Administration to strongly encourage UNFPA to withdraw from China.

TITLE III—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

Amendment No. 11: Appropriates $853,000,000 for the Development Assistance Fund instead of $811,000,000 as proposed by the House and $882,000,000 as proposed by the Senate.

The conferees agree that the increased funding for the Development Assistance Fund has been made available to assure that there is sufficient funding available for high priority programs addressed by the House and the Senate.

AIDS PROGRAM IN THAILAND

The conferees believe that the increased problem of HIV/AIDS in Thailand will require a strong commitment from the United States. The conferees expect the Agency for International Development to provide an HIV/AIDS prevention and control program in Thailand through its regional office.

AQUACULTURE

In previous years, the conferees have been critical of the Agency for International Development's efforts to reduce or eliminate aquaculture and fisheries activities from its foreign assistance program. Last year, the Congress received a report describing the decline in AID's investment in aquaculture and fisheries. The need for an expanded and creative effort to support aquaculture and fisheries development has become acute. The conferees are aware of a concept paper describing the need for, and impacts of, a comprehensive global Aquaculture Development Initiative. The conferees urge AID to give serious consideration to the implementation of this concept paper and to report to the Appropriations Committees on its plans for aquaculture and fisheries development no later than February 15, 1995.

CHILDREN IN THE PHILIPPINES

The conferees urge AID to provide $2,000,000 to expand and improve humanitarian relief activities in the Philippines providing for disadvantaged children parented by United States military and related personnel.

Thousands of children parented by United States military and related personnel were left behind after the withdrawal of forces from the Philippines in 1992. Ostracized by the community in the Philippines, the Amerasian children face a dismal future.

Currently religious groups and international organizations are working to provide for the needs of Amerasian children in the Philippines. Because of increasing demands for food and medicine, the needs of the children have far outrun the existing capabilities of these providers. Cases of dysentery and malnutrition are increasing and many children run the risk of being lured into prostitution and drug rings.

The conferees believe this urgent situation in the Philippines requires international assistance in which goal-specific funds are provided to a broad-based coalition of on-site international, government, religious, and private humanitarian groups.

The conferees encourage AID to develop a comprehensive plan to provide for the children and report back to the Committees on Appropriations on the prospects of developing a broad-based coalition in the Philippines to implement goal-specific support services and to provide direct funding to this coalition with the consent of official providers in the region.

COLLABORATIVE RESEARCH SUPPORT PROGRAMS

The conferees urge that best efforts be made to fund each of the Collaborative Research Support Programs at the level provided in fiscal year 1993, including restoration of funding for the small ruminant, soil management and peanut CRSPs.

NATIONAL FISH AND WILDLIFE FOUNDATION

The conferees urge that $750,000 in fiscal year 1995 funds be provided for the National Fish and Wildlife Foundation's neotropical migratory bird conservation initiative. This program is essential to the protection of bird species whose habitat is severely threatened in Central America and the Caribbean. The conferees urge AID to continue to work closely with other Federal agencies and parties to the interagency memorandum of understanding to approve projects funded by this initiative.

TRANSITION TO DEMOCRACY PROGRAMS

Independent trade unions have played an important role in the advocacy of democracy and economic reform worldwide. As fledgling democracies in Africa, Asia, Latin America, Eastern Europe and the former Soviet Union continue to emerge and develop, the conferees believe that independent trade unions can help ease the transition to democracy. The conferees urge that AID continue to support the involvement of United States labor

unions in the establishment of free trade unions in countries in transition to democracy and to a free market economy.

VITAMIN C

The conferees believe that more accurate information is needed regarding the fortification of food that is shipped overseas through the Public Law 480 Food for Peace Program. The conferees therefore request the Administrator of the Agency for International Development to report to the Committees on Appropriations by February 15, 1995 with an estimate of the cost of fortifying grains shipped under the Public Law 480 program to 100 mg per 100 gram ration and an assessment of whether or not the fortification of grain is stable through the shipping process.

WOMEN IN DEVELOPMENT

The conferees urge that the Office of Women in Development at AID be funded at $13,000,000, which should include $2,000,000 from funds appropriated for Eastern Europe and the NIS. The conferees further recommend that the past practice of setting aside a portion of the WID Office appropriation for matching funds be discontinued. The conferees are concerned that the AID WID Office has remained without a director for over a year and a half; that programs in the NIS and Eastern Europe have given little consideration to women who suffer disproportionately as these nations make the transition to a market economy; and that the GAO recently determined that despite 20 years of congressional mandates to better integrate women into the development process, AID and the State Department have not made significant progress in this regard.

Amendment No. 12: Inserts language indicating that the Agency for International Development should provide not less than: $280,000,000 for child survival activities, $135,000,000 for basic education programs and $25,000,000 for micronutrient programs. The Senate had earmarked not less than: $285,000,000 for child survival, $135,000,000 for basic education programs and $25,000,000 for micronutrient programs. The House had recommended in report language that not less than: $275,000,000 be provided for child survival, $135,000,000 for basic education and $25,000,000 for micronutrient programs.

CHILD SURVIVAL, BASIC EDUCATION AND MICRONUTRIENT PROGRAMS

The conferees stress their support for the Agency for International Development taking the necessary steps to assure that child survival programs, basic education and micronutrient programs are funded at the levels recommended.

Amendment No. 13: Deletes an earmark proposed by the Senate which would have provided $600,000 to support parliamentary training and democracy programs in China on a competitive selection basis.

Amendment No. 14: Deletes language proposed by the Senate earmarking $1,000,000 for displaced Burmese.

DISPLACED BURMESE

The conferees agree that an earmark for the displaced Burmese program, which includes cross border activities, is unnecessary due to assurances from the Agency for International Development that it plans to implement the $1,000,000 fiscal year 1993 program to assist displaced Burmese and to augment those funds with fiscal year 1995 funds. The conferees also agree that this program has been unnecessarily delayed and they fully expect AID to fulfill its pledge to continue funding this important humanitarian program for displaced Burmese, both in Thailand and across the Burma-Thailand border.

Amendment No. 15: Deletes Senate language earmarking not less than $600,000 to support parliamentary training and democracy programs in China on a grant basis to the International Republican Institute and the National Democratic Institute.

Amendment No. 16: Deletes language proposed by the Senate earmarking $15,100,000 for the Central American and East Central European Scholarship Program.

COOPERATIVE ASSOCIATION OF STATES FOR SCHOLARSHIPS AND THE EAST CENTRAL EUROPEAN SCHOLARSHIP PROGRAM

The conferees agree that the Agency for International Development should make every effort to fund the Cooperative Association of States for Scholarships and the East Central European Scholarship Program as proposed by the Senate. While the conferees have not recommended legislative earmarking of these programs, the conferees note that language supporting full funding of these programs is contained in both House and Senate reports accompanying this legislation.

The conferees further note that both the House and Senate reports for the current fiscal year appropriations act likewise support such funding, but the Agency for International Development chose nonetheless to reduce support for the CASS program. Inasmuch as increased funding above the total requested for Development Assistance is provided in fiscal year 1995, the conferees expect AID to fully fund this program in fiscal year 1995.

Amendment No. 17: Deletes Senate language prohibiting funds in the bill from being used to support parliamentary training and democracy programs in China.

POPULATION, DEVELOPMENT ASSISTANCE

Amendment No. 18: Inserts language which clarifies that the term "motivate", as it relates to family planning assistance, is not to be construed to prohibit the provision, consistent with local law, of information or counselling about all pregnancy options, including abortion. The conference agreement deletes additional language proposed by the Senate relating to referral.

Amendment No. 19: Inserts language requiring that funding for the Office of Population of the Agency for International Development (or the successor to that office) is required to be at the fiscal year 1994 level unless AID consults with and provides a written justification to the Committees on Appropriations. Any such justification is to be considered in accordance with the regular notification procedures of the Committees on Appropriations. The Senate had earmarked funds for the Office of Population at the level of last year. The House had no similar provision.

DEVELOPMENT FUND FOR AFRICA

Amendment No. 20: Appropriates $802,000,000 for the Development Fund for Africa as proposed by the Senate instead of $790,000,000 as proposed by the House.

The conferees have provided the higher level of funding for the Development Fund in Africa in recognition of the increased needs in sub-Saharan Africa. The increased funding will help address the urgent needs in the Horn of Africa area, and Rwanda, and disaster prevention programs now underway by the Agency for International Development. Assistance to programs in the Horn of Africa now may help prevent disastrous situations related to drought and famine in the future. The conferees support efforts by the Agency for International Development to accelerate its program in the area of disaster prevention activities.

DEBT RESTRUCTURING

Amendment No. 21: Deletes House language on debt reduction programs.

The conferees believe that it is long past the time when agreement should have been reached among Executive agencies, and between Executive agencies and the appropriate Legislative committees concerning how debt reduction actions should be scored and concerning how that scoring relates to the scoring of new credit risk to countries which have benefited from debt reductions.

The conferees first agreed on a debt reduction program for low-income countries in 1989. The conferees are concerned that five years later no agreements have been reached on these issues between the responsible organizations. This continuing failure to resolve these scoring issues makes it difficult to craft, consider, budget, or appropriate for debt policies.

MICROENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

Amendment No. 22: Inserts Senate language which allows guarantees of up to 70 percent of the principal of the loan amount for the microenterprise development guaranty program.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Amendment No. 23: Appropriates $517,500,000 as proposed by the House instead of $517,800,000 as proposed by the Senate.

Amendment No. 24: Inserts language limiting the amount of operating expenses for printing costs under the Agency for International Development to $1,475,000 and prohibiting the printing of any report or study (with certain exceptions) exceeding $25,000 in cost unless approved by the Administrator of AID or the Administrator's designee. The House had included a limitation of $900,000 in printing costs from operating expenses.

AID PRINTING COSTS

The conferees are concerned that both operating and program funds are being used to prepare and print expensive reports and studies that very few people read or use. The priority for the Agency should be to provide assistance to people and not to prepare multicolor documents. Most development issues have been studied to death and it is time to move on to program implementation not program reiteration.

The conferees also reiterate the position of the House that reports and studies prepared for the Committees on Appropriations should be printed or reproduced in the most cost effective method possible. AID should work with the Committees to eliminate reports and studies not specifically called for during action on the fiscal year 1995 bill.

ECONOMIC SUPPORT FUND

Amendment No. 25: Appropriates $2,349,000,000 for the Economic Support Fund instead of $2,339,000,000 as proposed by the House and $2,359,200,000 as proposed by the Senate.

Amendment No. 26: Inserts Senate language earmarking $1,200,000,000 under the Economic Support Fund for Israel and $815,000,000 for Egypt. The conferees also agree to include language requiring early disbursal on a cash grant basis for Israel, and a requirement that $200,000,000 be provided to Egypt as a Commodity Import Program.

Amendment No. 27: Inserts Senate language limiting to $50,000,000 the amount of funds under the Economic Support Fund

that may be used to finance tied-aid credits unless the President determines it is in the national interest to exceed that amount. The language also provides that all tied-aid credits must be notified to the Committees on Appropriations and that no development assistance funds may be used for tied-aid credits. The House had no similar provision.

CYPRUS

Amendment No. 28: Inserts Senate language earmarking $15,000,000 for Cyprus to be used only for scholarships, bicommunal projects and measures aimed at reunification.

Amendment No. 29: Deletes Senate language earmarking $7,000,000 for the Middle East Regional Cooperation Program.

MIDDLE EAST REGIONAL COOPERATION PROGRAM

The conferees recommend that $7,000,000 in Economic Support Funds be provided for the Middle East Regional Cooperation Program. This program complements the ongoing Middle East multilateral peace talks on regional issues such as water, the environment, and economic cooperation. The Middle East Regional Cooperation Program continues to demonstrate that peaceful cooperation can yield tangible benefits for all involved.

INTERNATIONAL FUND FOR IRELAND

Amendment No. 30: Appropriations up to $19,600,000 for the International Fund for Ireland, as proposed by the House instead of up to $15,000,000 as proposed by the Senate.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

Amendment No. 31: Appropriates $359,000,000 for assistance to Eastern Europe and the Baltic States as proposed by the Senate instead of $360,000,000 as proposed by the House.

Amendment No. 32: Inserts language permitting funding for "related programs" as proposed by the Senate.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 33: Appropriates $850,000,000 for assistance for the new independent states of the former Soviet Union (NIS) instead of $875,500,000 as proposed by the House and $839,000,000 as proposed by the Senate.

The conferees believe that not less than 50 percent of the funds made available under this heading should be provided to NIS countries other than Russia.

AZERBAIJAN

The conferees are concerned about reports that the Administration recognizes that Section 907 of the FREEDOM Support Act may be viewed or interpreted by some as precluding NGOs from delivering certain humanitarian assistance to refugees, displaced persons and other vulnerable individuals in Azerbaijan. The conferees do not believe that this was the intent of Section 907, and therefore urge the Administration to ensure that NGOs are not precluded from using government facilities and vehicles, or from using or making necessary repairs to government facilities such as health clinics and housing. The conferees also agree that NGOs should be able to use government personnel to distribute commodities, such as doctors giving out medicine to needy civilians, as long as the NGO retains control of the commodities and services.

NUCLEAR SAFETY

The conferees are concerned that the Soviet built nuclear reactors now in operation in the NIS do not meet international safety standards. Among these are the RBMK Graphite Moderated Reactors similar to the reactor which caused the disaster at Chernobyl and western style VVER reactors.

The conferees believe that steps must be taken to improve the safety of these operational reactors if a future accident, with its enormous international consequences, is to be avoided. The conferees recognize the efforts of the International Atomic Energy Agency to review, analyze, and diagnose the problems of the reactors, and note that the root causes of many operational problems are often inadequate training of reactor personnel.

The conferees believe that these problems could be addressed through the procurement of Analytical Engineering Simulators (AES) for use by the nuclear regulatory agencies of the host countries. The AES system is a multi-purpose, multi-user system capable of providing engineering analysis and it simulates normal, abnormal and emergency operations of a nuclear power plant. The conferees urge the Department of State to examine methods through which training can be provided to nuclear reactor operators in the NIS.

EXCHANGE PROGRAMS

The conferees agree that the NIS secondary school exchange program administered by the U.S. Information Agency has been a successful component of our assistance to the NIS. Since January 1993, over 5,500 students have participated in the program, setting a foundation for democracy and free market principles among the future leaders of the NIS.

For the 1995–96 academic year, the conferees believe that this program merits increased funding, including $25,000,000 of the funds appropriated in this bill for exchange programs in the NIS. The conferees believe that USIA should involve up to 8,500 students in the NIS secondary school exchange program in 1995–96. The funds appropriated for this program should be transferred to USIA in a timely, efficient manner.

The conferees urge $5,000,000 for exchanges involving postdoctoral scholars in the social sciences and humanities. Such a program should be administered through USIA's existing Regional Scholars Exchange, which currently offers such opportunities on a competitive basis to qualified non-profit organizations. This program provides an important component to a balanced program of exchanges including various age groups and professional levels.

Amendment No. 34: Deletes Senate language granting authority to transfer NIS assistance funds to the Department of Defense. The House had no similar provision.

Amendment No. 35: Deletes House language requiring an annual report on violations of the territorial integrity of NIS countries.

Amendment No. 36: Deletes both the House language and the Senate language on reprogramming and notification procedures.

The conferees agree that in the case of the NIS, the "regular procedures of the Committees on Appropriations" means that section 515 of this Act will apply to funds appropriated by this Act for the NIS as discussed under Amendment No. 84.

The conferees recognize the importance of contributions by various United States government agencies in the delivery of United States assistance to the NIS. However, the conferees are concerned that the participation of numerous agencies impedes the ability of Congress and the Administration to adequately monitor a significant portion of the NIS program.

The conferees expect that for a transfer or allocation by AID to another agency, where the transfer or allocation constitutes an obligation of funds, AID should be the agency of the United States ultimately responsible for programmatic and financial accountability. In those instances where a transfer or allocation does not constitute an obligation, the ultimate responsibility for programmatic and financial accountability should fall on the agency of the United States receiving and obligating the funds.

In the latter case, the conferees are concerned that the Administration, through the Coordinator's office for NIS programs, has not taken adequate steps to ensure that appropriate accountability standards are being applied. In the case of nonobligating transfers or allocations for funds, the Coordinator's office should ensure that the Inspector General Offices of the receiving agencies are required to audit their agency NIS activities and that they are doing so. The Coordinator's office also should be responsible for ensuring that audit findings are expeditiously acted upon the agency receiving those funds.

Amendment No. 37: Inserts Senate language making NIS funds subject to existing environmental and natural resources legislation.

Amendment No. 38: Changes a subsection designation.

Amendment No. 39: Changes a subsection designation.

Amendment No. 40: Inserts language which states that not less than $15,000,000 should be provided to support NIS family planning programs. The conferees believe that, of the $15,000,000, $6,000,000 should be provided for such programs in Russia, $3,000,000 should be provided for such programs in Ukraine, Moldova, and Belarus, and $6,000,000 should be provided for such programs in the Central Asian Republics (CAR).

NIS FAMILY PLANNING

The rate of unplanned pregnancies in the NIS is disturbingly high. Russian women on average have eight to ten abortions during their reproductive lives. The conferees have been assured that a comprehensive program of family planning services will be put in place during the fiscal year. This new program, modeled after the existing program for the CAR, should provide $15,000,000 for comprehensive services through both public and private sectors.

This program should stress the use of high quality, modern contraceptive methods which lessen the incidence of unplanned pregnancies. The program should include training for health care providers in contraceptive methods, procedures, equipment and services. The program also should include assistance for information, education and communication to make information available to the population, and medical and technical information available to health care providers. Technical assistance should be provided for public health, cost recovery, logistics, marketing and privatization.

Amendment No. 41: Inserts language stating that $150,000,000 should be provided to Ukraine and that $25,000,000 of that amount should be for programs related to land privatization and small and medium-sized businesses and agriculture enterprises.

Amendment No. 42: Inserts language stating that not less than $75,000,000 should be provided to Armenia from all sources.

Amendment No. 43: Inserts language stating that not less than $50,000,000 should be provided to Georgia from all sources.

Amendment No. 44: Inserts language stating that the President should establish a Trans-Caucasus Enterprise Fund.

Amendment No. 45: Inserts language requiring that certain reports include information on NIS program grants and contracts by country, amount, purpose and recipient.

Amendment No. 46: Deletes Senate language concerning the hospital partnership program.

NIS HOSPITAL PARTNERSHIP

The conferees encourage the Administration to build on the record of success established by the hospital partnership program underway in the NIS. Currently, 20 hospital partnerships have been established which work to improve the clinical and managerial aspects of health care in the NIS. Over 1,100 exchanges have taken place since July 1992.

The conferees believe private sector support for programs in the NIS is essential to long term improvements in the delivery of health care. The conferees support this public/private cooperative approach and encourage AID to provide sufficient resources to expand the number of partnerships as well as include medical schools and institutions.

Amendment No. 47: Deletes Senate language concerning a "Tech Corps" for the NIS.

Amendment No. 48: Inserts language providing that not less than $50,000,000 of the NIS funds should be used for public/private matching programs.

Amendment No. 49: Inserts language requiring AID to report to the Committees on Appropriations concerning the feasibility of including individuals and organizations with regional or language expertise in the NIS assistance programs.

Amendment No. 50: Inserts language providing not to exceed $30,000,000 for police training and exchanges, and for investigative and technical assistance activities for Eastern Europe and the Baltic States and for the NIS related to international criminal activities.

NIS PROGRAMS ADDRESSING CRIMINAL ACTIVITIES

The conferees believe that United States government agencies including the FBI, the Justice Department, the Drug Enforcement Administration, the Treasury Department, Customs and other law enforcement agencies and private organizations should be utilized to cooperatively assist the governments of Russia, the other new independent states of the former Soviet Union of East and Central Europe. The conferees believe that such assistance should focus on transnational and international law enforcement affecting the United States. The conferees support such assistance but recognize that its provision may be a sensitive domestic political matter for a variety of reasons in some countries and expect the Administration to consult closely with recipient governments regarding the provision of this assistance.

Amendment No. 51: Deletes language proposed by the Senate earmarking funds for the International Criminal Investigative Training Assistance Program (ICITAP).

Amendment No. 52: Inserts language which states that not less than 50 percent of NIS funds provided in this Act should be for country specific activities within bilateral, regional, or multilateral programs except through the regular notification procedures of the Committees on Appropriations.

PEACE CORPS

Amendment No. 53: Appropriates $219,714,000 as proposed by the House for the Peace Corps instead of $221,745,000 as proposed by the Senate. The conferees expect that the Peace Corps will receive by transfer from funds appropriated for assistance for the NIS the full cost of fiscal year 1995 Peace Corps operations in the NIS.

INTERNATIONAL NARCOTICS CONTROL

Amendment No. 54: Appropriates $105,000,000 for International Narcotics Control instead of $115,000,000 as proposed by the House and $100,000,000 as proposed by the Senate.

Amendment No. 55: Inserts language proposed by the Senate permitting the Department of State to receive nonlethal excess property from other Federal agencies for use in counternarcotics activities, subject to the notification procedures of the Committee on Appropriations. The conferees delete additional Senate language to extend for one year certain reporting and certification requirements under sections 489 and 490 of the Foreign Assistance Act of 1961. The conferees understand that these provisions are to be extended under separate authorizing legislation.

MIGRATION AND REFUGEE ASSISTANCE

Amendment No. 56: Appropriates $671,000,000 for Migration and Refugee Assistance as proposed by the Senate instead of $670,688,000 as proposed by the House.

REFUGEES IN THAILAND AND LAOS

The conferees recognize that the Government of Thailand has been granting temporary safe haven to refugees from Indochina and Burma and urge that they be permitted to remain until they can return to their homelands voluntarily in conditions of safety and dignity or resettle abroad. In order to facilitate the voluntary return of Hmong and other refugees to their homelands, the Administration should encourage the United Nations High Commissioner for Refugees to increase UNHCR monitoring of returnees by staff fluent in the refugees' languages and to provide varied types of reintegration assistance that would make it possible for returning refugees to become self-sufficient. The Administration also should encourage bilateral and multilateral funding institutions, international organizations like the United Nations Development Program, governmental entities, including the European Union, as well as private voluntary agencies, to ensure that national rehabilitation and economic development programs take into account the particular needs and skills of returning refugees. The Administration also should encourage cooperative efforts with UNHCR to facilitate the social and economic reintegration of returning refugees.

Amendment No. 57: Inserts Senate language earmarking $80,000,000 for Soviet, Eastern European and other refugees resettling in Israel.

REFUGEE RESETTLEMENT ASSISTANCE

Amendment No. 58: Appropriates $6,000,000 for refugee resettlement assistance instead of $12,000,000 as proposed by the House. The Senate had no similar provision.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

Amendment No. 59: Inserts Senate language allowing IMET funds to be used to train individuals who are not members of a government.

Amendment No. 60: Inserts language prohibiting Indonesia from receiving IMET training as proposed by the House, and inserts language prohibiting Rwanda from receiving IMET training as proposed by the Senate.

Amendment No. 61: Deletes House language prohibiting the use of funds appropriated by this Act to facilitate the provision of IMET to Indonesia.

Amendment No. 62: Inserts Senate language clarifying that the report on the School of the Americas should address the fiscal year 1995 program.

Amendment No. 63: Inserts language requiring that no IMET or Military-to-Military Contact program funding be made available to Thailand or Algeria except through the regular notification procedures. In addition, the Secretary of State is to submit a report by February 1, 1995 on the Thai military's support for the Khmer Rouge and the Thai government's efforts to impede support for Burmese democracy advocates, exiles and refugees.

MILITARY-TO-MILITARY CONTACT PROGRAM

Amendment No. 64: Inserts the title "Military-to-Military Contact Program" as proposed by the Senate. This has the effect of creating a separate account for this program. The conferees have also listed this program under Amendment No. 83 among the accounts in the bill which are subject to justification and notification procedures. The conferees therefore expect that the committees of jurisdiction will receive a document justifying the fiscal year 1995 program by country prior to any funds being obligated. In addition, the conferees expect that the committees of jurisdiction will be notified of any program changes in accordance with the regular notification procedures.

The conferees are concerned about the lack of coordination in program planning between the Departments of Defense and State for this program. The level of funding of $12,000,000 will allow for the continuation of the current program in Eastern Europe and the Baltic States and the initiation of programs in the area of responsibility of the United States Pacific Command. The conferees expect that the Secretary of Defense in conjunction with the Secretary of State will prepare and submit a report addressing the future of military training of foreign armed forces. This report should address purposes, resources, coordination among programs, and the appropriate roles of the respective Departments in carrying out military training. It should also detail the process by which the Departments of State and Defense intend to coordinate the initial planning for country specific programs. The conferees will consider expanding the authorities for this program beyond these two regions upon the submission of this report.

Amendment No. 65: Inserts language clarifying that the $12,000,000 appropriated may be used only for programs in East European countries and the Baltic States, and the area of responsibility of the United States Pacific Command. The conferees agree to remove the earmarks for the United States Pacific Command and the East European countries and the Baltic States proposed by the Senate.

FOREIGN MILITARY FINANCING PROGRAM

Amendment No. 66: Appropriates $3,151,279,000 for the Foreign Military Financing Program as proposed by the Senate instead of $3,149,279,000 proposed by the House. The conferees expect that the proposed demining program will be fully funded at the request level.

Amendment No. 67: Inserts Senate language earmarking $1,800,000,000 for Israel and $1,300,000,000 for Egypt, providing for early disbursal for Israel, and various provisions related to research and development and procurement as proposed by the Senate. The House had proposed language on grants and early disbursal.

Amendment No. 68: Deletes language proposed by the House. Inserts language proposed by the Senate which stipulates that funds made available under this heading shall be made available for Greece and Turkey only on a loan basis, and in amounts not to exceed the following: $255,150,000 only for Greece, and $364,500,000 only for Turkey. Authority to extend loans to Greece and Turkey is at a 7 to 10 ratio.

Amendment No. 69: Inserts language withholding 10 percent of the principal of direct loans to Turkey and Greece until the submission of reports addressing: in the case of Turkey allegations of abuses committed against civilians by Turkish armed forces and the situation in Cyprus, and in the case of Greece allegations of violations of the United Nations sanctions against Serbia and of the United Nations Charter. A separate notification is to be submitted at least fifteen days prior to the obligation of withheld funds.

Amendment No. 70: Deletes Malawi from those countries prohibited from receiving military assistance as proposed by the Senate.

Amendment No. 71: Inserts House language requiring that none of the funds appropriated under this heading may be made available for Colombia and Bolivia until the Secretary of State certifies that such funds will be used by such country primarily for counternarcotics activities.

Amendment No. 72: Inserts Senate language providing authority to use Foreign Military Financing for demining purposes notwithstanding any other provision of law, including activities implemented through nongovernmental organizations and international organizations.

Amendment No. 73: Inserts Senate language clarifying that the limitation on administrative expenses applies to fiscal year 1995 as proposed by the Senate.

SPECIAL DEFENSE ACQUISITION FUND

Amendment No. 74: Inserts Senate language making available $140,000,000 in obligation authority originally provided in fiscal year 1993, and making available an additional $20,000,000 in obligation authority to remain available until September 30, 1998. This authority is necessary for the orderly close out of the fund. The authority is not to be used to initiate new procurement.

PEACEKEEPING OPERATIONS

Amendment No. 75: Inserts Senate language adding to the title "(Including Transfer of funds)".

Amendment No. 76: Inserts Senate language allowing the transfer of $850,000 from the Peacekeeping Operations account to the International Military Education and Training account, and specifying that such funds are in addition to amounts that may be transferred between accounts under the authority of any provision of law.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

Amendment No. 77: Appropriates $786,551,000 as proposed by the Senate instead of $792,653,000 as proposed by the House.

Amendment No. 78: Deletes House language limiting Export-Import Bank program to not to exceed $19,000,000,000 in gross obligations.

ADMINISTRATION EXPENSES

Amendment No. 79: Appropriates $45,228,000 for the administrative expenses of the Export-Import Bank as proposed by the Senate instead of $44,500,000 as proposed by the House.

Amendment No. 80: Inserts Senate language extending special compensation authority previously granted to the Export-Import Bank to October 1, 1995 as proposed by the Senate.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Amendment No. 81: Inserts new language which (1) provides $33,944,000 in program funding instead of $23,296,000 as proposed by the House and $34,940,000 as proposed by the Senate, (2) provides that the funds are made available for obligation for fiscal years 1995 and 1996, and (3) creates a new "Noncredit Account" and defines and sets administrative expenses at $24,322,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

Amendment No. 82: Deletes House language in section 507 which had included Vietnam from the list of countries for which direct assistance is prohibited as proposed by the Senate. The conferees also agree to add North Korea to the list of countries prohibited from receiving direct assistance.

NOTIFICATION REQUIREMENTS

Amendment No. 83: Inserts Senate language in Section 515 listing the Military-to-Military Contact Program among the accounts to which the established notification procedures apply. The House had included only a parenthetical reference to the program. The conferees expect to receive justification materials for this program prior to obligation of fiscal year 1995 funds as discussed earlier in this statement.

Amendment No. 84: The conferees agree to delete language proposed by the Senate requiring that the Congressional Presentation Documents for fiscal year 1996 be based on the level of detail provided in fiscal year 1993.

The conferees agree on the following procedures with regard to congressional notifications of economic assistance funds appropriated by this Act. As soon as possible after submission of the report required by section 653(a) of the Foreign Assistance Act, the Administration is to submit to the Committees on Appropriations a listing of projects proposed for funding with funds appropriated by this Act for development assistance under sections 103 through 106, and 496 of the Foreign Assistance Act, and for the Eastern Europe and the Baltic States, New Independent States of the Former Soviet Union, and Economic Support Fund accounts. Each listed project is to include the amount proposed for obligation from 1995 appropriated funds. Development Assistance projects that were not previously justified to the Committees, either by Congressional notification or in the project-by-project addenda to the fiscal year 1995 Congressional Presentation Documents submitted by the Administration, are to be separately designated in the listing. New projects are to include a full project justification. Each project contained in the listing will be considered to have been justified if, during a 15-day waiting period, no objection to it is raised. In general, notifications shall be provided under the following circumstances:

(1) for projects and activities added to or deleted from the project listing;

(2) for projects and activities where the proposed obligation exceeds the amount contained in the listing, except that with regard to development assistance (including the Development Fund for Africa) this applies only to projects where major funding changes (20 percent or more of the proposed fiscal year obligation level) are proposed;

(3) for projects and activities where substantial changes to the purpose of the project are proposed;

(4) for projects and activities whose proposed funding source is an account different from that previously justified; and

(5) for all nonproject assistance activities, including commodity import program assistance.

Until such time as the listing requested in the previous paragraph is submitted, the basis against which notifications for funds appropriated by this Act will be submitted will be the addenda to the Congressional presentation that had previously been submitted to the Committees on Appropriations.

As is the case currently, when it has been specified that funds may be obligated "subject to the regular notification procedures of the Committees on Appropriations", notifications are to be submitted prior to the obligation of funds notwithstanding the procedures contained above.

To assure that Congress receives a fully documented program for review, the conferees agree that the Administration needs to provide more detailed information than was originally provided for fiscal year 1995.

The conferees agree that the annual congressional presentations for programs in sustainable development, the Economic Support Fund, Eastern Europe, and the new independent states of the former Soviet Union should convey as clear an understanding as possible of the programs. The country-by-country narratives should include an explanation of the conditions in each recipient country, including government policies, that influence the ability of the programs to achieve their objectives and of the country to achieve sustainable development.

SPECIAL NOTIFICATION REQUIREMENTS

Amendment No. 85: Inserts Senate language adding the Dominican Republic to the list of countries requiring special notification procedures.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

Amendment No. 86: Inserts language which allows for individuals currently detailed to the Agency for International Development for the purpose of carrying out family planning, child survival, and AIDS activities to remain in their present capacity.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

Amendment No. 87: Deletes House language which had included Vietnam among the list of countries prohibited from receiving indirect assistance as proposed by the Senate.

Amendment No. 88: Inserts Senate language "or the" appropriately array the list of countries.

Amendment No. 89: Deletes House language which had included Laos among the list of those countries prohibited from receiving indirect assistance as proposed by the Senate.

AUTHORIZATION REQUIREMENT

Amendment No. 90: Inserts Senate language waiving section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

Amendment No. 91: Repeals legislation prohibiting assistance to Vietnam, and inserts new language (1) authorizing funding for the Inter-American Development Bank (IDB), the Fund for Special Operations (FSO), the African Development Fund (ADF), and the Enhanced Structural Adjustment

Facility (ESAF) of the International Monetary Fund (IMF), (2) addressing military spending by countries which receive assistance from the International Financial Institutions, (3) encouraging respect for indigenous peoples, (4) encouraging fair labor practices, and (5) encouraging focus on low-income areas of Latin America and the Caribbean.

ENHANCED STRUCTURAL ADJUSTMENT FACILITY

The conferees have provided $25,000,000 for the ESAF in recognition of the Treasury Department's efforts to deal with the problem of IMF secrecy by reforming disclosure policies and practices to make publicly available IMF programs, including:

(1) release of its annual reports on Recent Economic Developments in members countries;

(2) strong encouragement and support for governments receiving assistance under the ESAF to release Policy Framework Papers developed by the IMF in connection with their ESAF program;

(3) permission for any country that wishes to release its annual articles IV consultation report containing the IMF's analysis of its economic policies and performance;

(4) strong encouragement and support for governments to release letters of intent containing the commitments associated with their IMF program; and

(5) release of program documents at the completion of each individual program.

The conferees believe that public availability of the documents described above would lead to greater understanding of a government's economic policies and would facilitate open and informed discussion of crucial issues such as the need to deal with the social costs of adjustment. Such discussion could help to improve the quality of policy design and implementation and help to build a political consensus that would contribute substantially to the success of IMF programs.

The conferees hope that other nations will recognize the substantial benefits of disclosure for the IMF as an institution and for both industrial and developing countries and that they will work with the U.S. government to end IMF secrecy. The conferees encourage the Administration to give such efforts a high priority on the international economic agenda of the United States, including within the framework of the G–7, and to involve appropriate United States government agencies.

In determining when and whether to recommend the remainder of the $100,000,000 requested by the Administration for the ESAF, consideration will be given to the progress made on disclosure of the above information. The conferees are encouraged that in July, 1994, the Executive Board of the IMF adopted a management proposal to release the reports on Recent Economic Developments and to encourage wider circulation of the Policy Framework Papers.

INTER-AMERICAN DEVELOPMENT BANK

The conferees authorized one-half of the amount requested by the Administration, to cover the first three of six planned annual installments for the United States paid-in and callable capital stock.

The conferees note that the Inter-American Development Bank is in the process of instituting reforms with regard to disclosure of information and an independent review panel. The Congress intends to monitor closely the experience with the two reform measures and, if it finds the experience to be satisfactory, expects to authorize the additional three years of the replenishment.

The conferees believe that a policy of broad access to information would encourage participation of interested parties in the IDB's decision-making process in the early stages of the project cycle. The conferees expect that such input would result in improved design, and increased support for, IDB projects. The conferees expect that the IDB will adopt and implement a policy with a strong presumption in favor of disclosure of information.

WORKER RIGHTS

The conferees seek to promote internationally recognized worker rights through the policies and programs of the International Financial Institutions (IFI's). To this end, the Secretary of the Treasury shall instruct the United States executive director of each IFI to use their voice and vote to urge (1) the adoption of policies to encourage borrowing countries to guarantee internationally recognized worker rights and to include the status of such rights as an integral part of policy dialogue with each country, and (2) establishment of procedures to screen programs for negative impact on these rights. An annual report on progress toward achieving these goals and on the extent to which each borrowing country guarantees internationally recognized worker rights is required.

COMPETITIVE INSURANCE

Amendment No. 92: Deletes the word "marine" as proposed by the Senate. This will require the Agency for International Development to include a clause requiring that United States companies have a fair opportunity to bid for insurance, when insurance is necessary or appropriate. This requirement continues to apply to marine insurance.

Amendment No. 93: Deletes the word "marine" as proposed by the Senate. The effect of this action is explained under Amendment No. 92.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

Amendment No. 94: Inserts Senate language adding the countries of Serbia and Montenegro into the provision denying assistance to countries that are not in compliance with Untied Nations Security Council sanctions. The conferees intend that this authority apply to countries not in compliance with such sanctions against Iraq, Serbia or Montenegro. Denial of assistance is subject to the various certification requirements of this section.

Amendment No. 95: Inserts Senate language adding Serbia and Montenegro to the existing Presidential authority on import sanctions. Under this authority the President may prohibit, consistent with United Nations sanctions, importation into the United States of any or all products of any foreign country that has not prohibited either the import of products from Iraq, Serbia or Montenegro, or exports to Iraq, Serbia or Montenegro.

Amendment No. 96: Inserts language adding Serbia and Montenegro to the existing Presidential authority on import sanctions. The effect of this action is explained under Amendment No. 95.

Amendment No. 97: Inserts language adding Serbia and Montenegro to the existing Presidential authorities on import sanctions. The effect of this action is explained under Amendment No. 95.

POW/MIA MILITARY DRAWDOWNS

Amendment No. 98: Inserts Senate language adding Vietnam to those countries eligible for certain assistance, as the President determines necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians who remain unaccounted for from the Vietnam War.

AUTHORITY TO ASSIST BOSNIA-HERCEGOVINA

Amendment No. 99: Inserts Senate language requiring notification to the Committees on Appropriations on the use of the military drawdown authority for Bosnia-Hercegovina.

Amendment No. 100: Inserts Senate language adding defense services to drawdown authority for Bosnia-Hercegovina.

Amendment No. 101: Deletes House language on the drawdown of United States government commodities and services for the United Nations War Crimes Tribunal as proposed by the Senate. This authority is addressed under Amendment No. 133.

SPECIAL AUTHORITIES

Amendment No. 102: Inserts the words "country or" in the description of entities cooperating with the Khmer Rouge. This requires the President to terminate assistance to any country or organization that he determines is cooperating, tactically or strategically, with the Khmer rouge in their military operations.

Amendment No. 103: Inserts Senate language adding the purpose of supporting biodiversity conservation activities to those activities that may be carried out notwithstanding any other provision of law.

ANTI-NARCOTICS ACTIVITIES

Amendment No. 104: Inserts Senate language allowing for the continuation of the police training program in Panama.

Amendment No. 105: Inserts Senate language changing a subsection designation.

Amendment No. 106: Inserts Senate language changing a subsection designation.

Amendment No. 107: Inserts Senate language changing a subsection designation.

EXCESS DEFENSE ARTICLES

Amendment No. 108: Inserts Senate language changing a subsection designation.

Amendment No. 109: Inserts language allowing for the transfer of nonlethal defense articles under section 518, concerning biodiversity of the Foreign Assistance Act of 1961 notwithstanding any other provision of law, and makes Jordan eligible under the authorities of section 516, concerning excess defense articles of the Foreign Assistance Act of 1961 in fiscal year 1995 subject to section 538 of this Act.

The expanded authorities under section 518 are intended mainly to facilitate the use of simplified procedures for making such transfers to non-military recipients. The conferees still expect, however, that the United States government will secure such end-use, retransfer and other assurances from private or civilian sector recipients (as well as military establishments) as are appropriate for use of such equipment for the biodiversity purposes described in section 518 of the Act.

With respect to Jordan, the conferees expect that the authority granted by this section will be used only for transfer of small arms and ammunition until such time as Jordan and Israel conclude a peace agreement. Thereafter, the conferees will consider notifications with respect to other items. The notification procedures applicable to excess defense articles apply to all items. The conferees agree to provide this authority subject to the provisions of section 538 of this Act regarding Iraq sanctions. Jordan may receive excess defense articles subject to the provisions of that section.

LIMITATIONS ON ASSISTANCE FOR NICARAGUA

Amendment No. 110: Deletes Senate language adding additional conditions to the determinations on assistance to Nicaragua. The Department of State is to submit a report on the results of the investigation conducted relating to issues raised by the discovery after the May 23, 1993 explosion in Managua, of weapons caches, false passports, identity papers and other documents suggesting the existence of a terrorist kidnapping ring. The conferees expect the report to address the results of the investigation by the relevant law enforcement agencies, the extent of United States' and other countries' participation in the investigation, and the status of prosecutions and convictions resulting from the investigation.

Amendment No. 111: Inserts section number proposed by the House.

Amendment No. 112: Inserts Senate language clarifying the date of the Managua explosion to be May 23, 1993.

Amendment No. 113: Inserts section number proposed by the House.

Amendment No. 114: Inserts section number proposed by the House.

Amendment No. 115: Inserts section number proposed by the House.

Amendment No. 116: Inserts section number proposed by the House.

Amendment No. 117: Inserts section number proposed by the House.

SPECIAL DEBT RELIEF FOR THE POOREST

Amendment No. 118: Inserts language authorizing the President to reduce debt for the poorest countries of the world under certain conditions. The conferees agree to deny this authority to any country whose assistance has been cut off due to section 527 of the Foreign Relations Authorization Act for fiscal years 1994 and 1995.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

Amendment No. 119: Deletes the Presidential national interest waiver as proposed by the Senate. Nothing in this amendment prevents the President from waiving any section of this Act under section 614 of the Foreign Assistance Act of 1961, if he deems it to be in the national security interest of the United States to do so.

FACILITATE PEACE IN MIDDLE EAST

Amendment No. 120: Inserts Senate language amending section 583(b)(5) of the Middle East Peace Facilitation Act by adding an additional condition for Congressional extension of the certification authority contained in that provision.

IMPLEMENTATION OF WAPENHANS REPORT RECOMMENDATIONS

Amendment No. 121: Inserts language conditioning the payment of funds to the World Bank on progress in implementing the recommendations of the Wapenhans Report. The conferees agree to require that 50 percent of the funds for the contribution's to the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation shall be withheld until April 1, 1995, and will be available after that date based on the Secretary of the Treasury's certification on meeting the recommendations specified in the Wapenhans Report.

RESTRICTIONS ON ASSISTANCE TO RUSSIA

Amendment No. 122: Deletes "it has been made known to the President" as proposed by the Senate. Section 568 is eliminated by Amendment No. 161. The issue of Russian troop withdrawal from the Baltic States is addressed under Amendment No. 161.

Amendment No. 123: Inserts Senate language expanding the exemptions of this section to Lithuania, or countries other than Russia. Section 568 is eliminated by Amendment No. 161. The issue of Russian troop withdrawal from the Baltic States is addressed under Amendment No. 161.

ADDITIONAL LIMITATION ON FUNDS TO ENSURE IMPLEMENTATION OF WAPENHANS REPORT RECOMMENDATIONS

Amendment No. 124: Deletes House language on Wapenhans Report as proposed by the Senate.

MILITARY EXPENDITURES BY RECIPIENTS OF MULTILATERAL ASSISTANCE

Amendment No. 125: Deletes Senate language on military expenditures by recipients of multilateral assistance.

PURCHASE OF AMERICAN-MADE PRODUCTS

Amendment No. 126: Inserts Senate language clarifying the method of notice provided to companies on contract opportunities. The conferees agree that notice is to be provided consistent with section 570(a) of this Act and section 604(a) of the Foreign Assistance Act of 1961. The conferees agree that to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American made.

WEST BANK AND GAZA ECONOMIC DEVELOPMENT FUND

Amendment No. 127: Inserts Senate language specifying that not less than $20,000,000 should be available to support small and medium-sized enterprises in the West Bank and Gaza. Authority is provided to use these funds for the subsidy costs of direct loans and loan guarantees. Use of funds for these purposes are subject to the regular notification procedures of the Committees on Appropriations.

AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

Amendment No. 128: Inserts Senate language specifying that up to $50,000,000 should be made available for the provision of United States agricultural commodities to address the food and nutritional needs of the people of the NIS.

EXPORT FINANCING AUTHORITIES

Amendment No. 129: Inserts language allowing for transfers among accounts in title IV of this Act in both fiscal year 1994 and 1995. In fiscal year 1995 not to exceed 5 percent of any appropriation may be transferred among the accounts subject to the regular notification procedures of the Committees on Appropriations. In fiscal year 1994, $12,000,000 is transferred from the Export-Import Bank to OPIC, and $1,000,000 is transferred from the Export-Import Bank to the Trade and Development Agency.

INCAE

Amendment No. 130: Inserts Senate language allowing for the shifting and repayment of certain debt owed by the Central American Institute of Business Administration (INCAE).

MONGOLIA

Amendment No. 131: Inserts Senate language which drops Mongolia from the list of countries in section 620(f) of the Foreign Assistance Act of 1961.

REPORT ON COMPLIANCE WITH COMMITMENTS

Amendment No. 132: Inserts Senate language which amends the PLO Commitments Compliance Act of 1989 by adding a new condition for compliance regarding measures taken by the PLO to prevent acts of terrorism, crime, and hostilities, and to legally punish offenders, as called for in the Gaza-Jericho agreement of May 4, 1994.

WAR CRIMES TRIBUNAL

Amendment No. 133: Inserts Senate language providing authority to draw down $25,000,000 in United States government commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia or such other tribunals or commissions as the UN Security Council may establish to deal with such violations.

The conferees have expanded the War Crimes Tribunal authority to allow drawdowns during any fiscal year for United States commodities and services. This authority may be used not only for the United Nations War Crimes Tribunal for the former Yugoslavia, but also for such other tribunals or commissions as the United Nations Security Council may establish to deal with other instances of genocide or other violations of international law (such as Rwanda). It is the intent of the conferees that this authority can be used in any fiscal year to provide up to $25,000,000 of commodities and services without regard to certain other existing limitations on similar authorities. It is also the intent of the conferees that a substantial portion of these funds be used for training and other assistance for prosecutors. The expanded authority may be used from the day of enactment of this Act.

DONATION OF SURPLUS AGRICULTURAL COMMODITIES TO POLAND

Amendment No. 134: Inserts language amending current law regarding the donation of surplus commodities to Poland. The conferees agree to extend these authorities through 1999. The use of this authority is subject to other emergency humanitarian needs worldwide and commodity prices in Poland.

BUY AMERICA

Amendment No. 135: Deletes language proposed by the Senate on the opportunities for United States manufacturers to meet United Nations acquisition needs. The conferees expect that United States manufacturers and suppliers will be given opportunities to provide equipment, services, and material for United Nations peacekeeping activities and other United Nations acquisition needs equal to those given to foreign manufacturers and suppliers.

TELECOMMUNICATIONS PROCUREMENT

Amendment No. 136: Deletes Senate language concerning telecommunications procurement. The conferees strongly believe that the Agency for International Development and other agencies as appropriate should take appropriate steps to ensure that United States firms are not disadvantaged in procurement opportunities related to promoting development through telecommunications enhancement. The use of a reciprocal standard should be applied to high technology firms primarily owned by nationals of countries which deny procurement opportunities to United States firms. The conferees oppose the eligibility of such foreign firms for United States financed procurement, if the government of that country restricts American manufacturers of the same high technology products from eligibility for government procurement of government financed programs.

COUNTRY DEVELOPMENT POLICIES REPORT

Amendment No. 137: Deletes Senate language on reporting on country development policies. This issue is addressed under Amendment No. 84.

NONLETHAL EXCESS DEFENSE ARTICLES

Amendment No. 138: Inserts Senate language on transportation costs of nonlethal excess defense articles to Albania. The conferees note that this authority is granted for one year only. The provision is amended to include a new section number 579.

LANDMINES

Amendment No. 139: Inserts Senate language permitting landmine clearing equipment to be made available to countries on a grant basis. The provision is amended to include a new section number 580.

PROHIBITION ON PAYMENT OF CERTAIN EXPENSES

Amendment No. 140: Inserts Senate language restricting the use of International Military Education and Training funds for certain expenses. The provision has been amended to include a new section number 581.

BURMA

Amendment No. 141: Deletes Senate findings on Burma.

EMERGENCY PROJECTS IN BOSNIA AND HERCEGOVINA

Amendment No. 142: Inserts language providing that not less than $10,000,000 should be available only for emergency winterization and rehabilitation projects and for the reestablishment of essential services in Bosnia and Hercegovina. The provision also has been amended to include a new section number 582.

HUMANITARIAN ASSISTANCE FOR BOSNIA AND HERCEGOVINA

Amendment No. 143: Inserts language providing that not less than $5,000,000 should be available only for medical equipment and supplies and medicine to Bosnia and Hercegovina, and for the repair and reconstruction of hospitals, clinics, and medical facilities. The provision also has been amended to include a new section number 583.

POVERTY REDUCTION EMPHASIS FOR DEVELOPMENT ASSISTANCE

Amendment No. 144: Deletes Senate language on poverty reduction. The conferees recommend that a significant portion of Development Assistance funds be used to finance programs, projects, and activities that directly improve the lives of the poor, with an emphasis on individuals living in absolute poverty. The conferees further urge the Administrator of the Agency for International Development to increase the direct involvement of the poor in project design, implementation and evaluation, and to develop indicators and criteria for monitoring and evaluating progress toward poverty reduction.

PAYMENTS IN KIND AS VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

Amendment No. 145: Deletes Senate language on payments in kind for UN peacekeeping activities. The conferees believe that the United States should be able to contribute to UN Peacekeeping activities in the form of excess defense articles and goods and services.

POLICY REGARDING HUMANITARIAN AID TO HAITI

Amendment No. 146: Deletes Senate language on humanitarian aid to Haiti. The conferees urge the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development to expedite approval of valid applications for emergency medical evacuation flights out of Haiti, and for humanitarian aid flights to Haiti, where such aid consists of food, medicine or medical supplies, or spare parts or equipment for the transportation or distribution of humanitarian aid by nongovernmental or private voluntary organizations.

LOANS TO NATIONS THAT ENFORCE THE ARAB BOYCOTT OF ISRAEL

Amendment No. 147: Deletes Senate language on loans to nations that enforce the Arab boycott of Israel. The conferees object strongly to the Arab boycott of Israel.

CAMBODIA

Amendment No. 148: Deletes Senate findings on Cambodia.

INDONESIA

Amendment No. 149: Inserts language stating that the United States shall refrain from selling or licensing for export to Indonesia defense articles such as small or light arms and crowd control items until the Secretary of State determines and reports to the Committees on Appropriations that significant progress has been made on human rights in East Timor and elsewhere in Indonesia. The provision also has been amended to insert a new section number.

UNITED STATES PANEL OF THE JOINT COMMITTEE ON UNITED STATES-JAPAN CULTURAL AND EDUCATIONAL COOPERATION

Amendment No. 150: Deletes language proposed by the Senate amending the United States-Japan Friendship Act.

GERMANY

Amendment No. 151: Deletes language proposed by the Senate concerning German and Japanese membership in the United Nations Security Council.

POLICY REGARDING GERMAN PARTICIPATION IN INTERNATIONAL PEACEKEEPING OPERATIONS

Amendment No. 152: Deletes language proposed by the Senate regarding German participation in International Peacekeeping operations.

UNITED NATIONS OFFICE OF INSPECTOR GENERAL

Amendment No. 153: Deletes language proposed by the Senate reaffirming that certain legislation concerning the creation of an independent office of Inspector General remains in effect.

REGARDING THE EXTRADITION TO THE UNITED STATES OF MOHAMMAD ISMAIL ABEQUA

Amendment No. 154: Deletes language proposed by the Senate concerning the extradition of Mohammad Ismail Abequa.

The conferees are concerned that Mohammad Ismail Abequa fled to Amman, Jordan with United States citizens Sami and Lisa Abequa. Mr. Abequa, who is in custody in Jordan, has confessed to the brutal murder of the Abequa children's mother, Nihal Abequa. The aunt of the children, Nesime Dokur, and their maternal grandmother, Meryem Gussal, have been designated by the Superior Court of New Jersey as the legal guardians of the children. The conferees are concerned about the safety and well-being of the children, who are 3 and 6 years old, and believe they should be returned to the United States without delay.

The conferees commend President Clinton, Secretary of State Christopher, and Attorney General Reno for raising this case directly with King Hussein and urging him to return the children to the United States without delay. The conferees note that members of the New Jersey Congressional delegation have met with King Hussein and directly urged him to return the children to their grandmother and aunt in New Jersey. The conferees understand that King Hussein has indicated that he is interested in expeditiously resolving this matter and that he believes the children will be returned to America soon. The conferees appreciate the cooperation of the King and expect the children to be returned to America without delay.

The conferees also urge the Government of Jordan to extradite Mohammad Ismail Abequa to the United States for prosecution.

SUPPORT FOR HUMAN RIGHTS AND OTHER NONGOVERNMENTAL ORGANIZATIONS IN INDONESIA

Amendment No. 155: Deletes language earmarking funds for organizations in Indonesia.

The conferees recommend that not less than $250,000 be provided to nongovernmental human rights organizations in Indonesia, and further recommend that not less than $250,000 be provided to nongovernmental environmental organizations to assess or otherwise address acute environmental problems, particularly those affecting indigenous peoples, in Indonesia.

NORTH ATLANTIC COUNCIL

Amendment No. 156: Deletes Sense of the Senate language concerning the North Atlantic Council.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, NUCLEAR WEAPONS

Amendment No. 157: Deletes language proposed by the Senate placing restrictions on assistance to North Korea. The conferees agree instead to include, under Amendment No. 109, North Korea on the list of countries prohibited from receiving bilateral assistance.

The conferees note that North Korea is already on the list of countries prohibited from receiving indirect United States assistance.

INTERNATIONAL MONETARY FUND AND WORLD BANK SALARIES AND BENEFITS

Amendment No. 158: Inserts language which requires a General Accounting Office report on International Monetary Fund and World Bank salaries and benefits.

PRISONER TRANSFERS

Amendment No. 159: Deletes language proposed by the Senate withholding between 1 and 10 percent of bilateral assistance to countries that have not entered into prisoner transfer agreements.

The conferees are concerned about the costs associated with incarcerating undocumented persons convicted of crimes. The conferees urge the President to submit a report to the Committees on Appropriations by February 15, 1995, identifying: (1) the number of prisoners serving time in United States prisons from the 10 countries with the largest number of prisoners in the U.S.; (2) the problems that exist with the current prisoner transfer treaties; and (3) the annual cost of incarcerating undocumented persons convicted of crimes in the United States.

HAITI

Amendment No. 160: Deletes Sense of the Senate language related to policy toward Haiti.

BALTIC TROOP WITHDRAWAL

Amendment No. 161: Inserts language which prohibits funds made available by this Act for Russia, other than humanitarian assistance funds, from being obligated or expended unless the President has certified to the Congress not more than six months in advance of the obligation or expenditure of

the funds that Russia' Latvia and Estonia have established a timetable for the withdrawal of Russian and Commonwealth of Independent States troops, and that all parties are complying with such timetable. The language also includes a Presidential national security waiver and eliminates Section 568 of this Act addressing the same subject.

ADDITIONAL COUNTRIES ELIGIBLE FOR PARTICIPATION IN ALLIED DEFENSE COOPERATION

Amendment No. 162: Deletes Senate language making Poland, Hungary and the Czech Republic eligible for certain assistance provided to NATO members. The conferees note that the NATO Participation Act of 1994, as proposed by the Senate, is designed to send a clear, unambiguous signal to the nations of Central and Eastern Europe that are making swift progress to establish democratic institutions, like Poland, Hungary and the Czech Republic, that their security and stability is of great importance to the United States. These nations are working to expand their security relationship with NATO. These actions contribute significantly to the peace and stability of the region. The conferees urge the Administration to submit legislation' consistent with the security interests of the United States' at the earliest opportunity to extend the benefits of close cooperation with NATO to Poland, Hungary and the Czech Republic. These benefits should include:

Transfers of excess defense articles;

Eligibility for leases and loans of major defense equipment and other defense articles;

Loan materials, supplies and equipment for research and development;

Cooperative military airlift agreements;

Procurement of communications support and related supplies and services; and

Inclusion in all activities relating to increased standardization of NATO forces.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

Amendment No. 163: Inserts language restricting funds for office space in Jerusalem related to doing business with the Palestinian Authority, and policy direction concerning the conduct of official business with the Palestinian Authority in locations other than Jerusalem.

INTERNATIONAL TERRORISM

Amendment No. 164: Deletes Sense of Senate language concerning providing information and cooperating with victims of international terrorism. The conferees agree that the United States should make every effort feasible to assist victims of international terrorism.

REPORT ON BIOLOGICAL AND CHEMICAL WEAPONS

Amendment No. 165: Inserts language requiring the President to report by January 30, 1995 on whether or not Russia has demonstrated a commitment to comply with various chemical and biological weapons agreements.

The conferees expect the report to include both traditional and binary chemical weapons.

FISCAL YEAR 1994 SUPPLEMENTAL

Amendment No. 166: Inserts language providing for debt forgiveness for Jordan, and emergency refugee and disaster assistance funds for Rwanda. The amendment also deletes language proposed by the Senate concerning the certification of funds for Colombia.

The world witnessed a momentous event in the search for a just and lasting peace in the Middle East when King Hussein of Jordan and Prime Minister Rabin of Israel met in Washington during the week of July 25th. The major progress made in the Middle East peace process during the past year has been greatly enhanced by the accord that was signed in Washington on July 25, 1994. In order to help ensure that this progress continues, and to encourage further significant steps in the peace process by Jordan, the conferees have, as proposed by the Administration, included language that provides for the partial reduction of the debt owed by Jordan to the United States.

The conferees agree to authorize the President to forgive debt owed by Jordan to the United States. The conferees agree to include $99,000,000 in subsidy appropriations in fiscal year 1994 to forgive a portion of the debt owed by the Hashemite Kingdom of Jordan for loans entered into under programs administered by the Agency for International Development. The $99,000,000 in subsidy appropriations will permit the forgiveness of up to $220,000,000 in AID debt. The conferees agree to restrict the amount of debt forgiveness in this act to $220,000,000.

Future debt relief for Jordan will be subject to the amounts provided in advance in appropriation acts.

It is the conferees' understanding that formal budget requests will be submitted for future debt relief for Jordan. In order to obtain broad support for additional budget requests for Jordanian debt relief, there will need to be substantial steps in addition to the courageous and laudable step that has just been taken. Of great importance will be progress on reaching a final peace agreement with Israel, an increase in economic trade that would clarify that Jordan is not abiding by an economic embargo of Israel, and compliance with the United Nations embargo of Iraq, so long as it remains in effect. Positive steps on these issues will be important in facilitating favorable consideration.

FISCAL YEAR 1994 EMERGENCY ASSISTANCE FOR RWANDA

In order to help address the emergency situation caused by the tragedy that has taken place in Rwanda the conferees have included a total of $50,000,000 in emergency refugee and disaster assistance. The sudden influx of refugees into Zaire and other locations bordering Rwanda has caused an emergency that requires an immediate response.

The conferees believe that the United States has been a leader in efforts to assist the people of Rwanda in the midst of one of the greatest human tragedies of this decade. The funding provided in this supplemental will be used to enhance emergency assistance the United States has been providing over the last several months, and to encourage European and other countries to increase their levels of assistance to help address the emergency situation.

The entire amount provided has been designated by the President as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF STATE

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The amendment provides $30,000,000 under the United States Emergency Refugee and Migration Assistance Fund to supplement other refugee assistance for Rwanda. The UNHCR estimates that more than 2 million of the 6 million people of Rwanda are either refugees or displaced. The additional fiscal year 1994 funding will enable the United States to respond to urgent appeals from the United Nations High Commissioner for Refugees and the International Committee of the Red Cross and will also fund efforts by private voluntary organizations to provide humanitarian assistance in the region.

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

The conferees agree to provide $20,000,000 for the International Disaster Assistance account administered by the Agency for International Development. This funding will provide humanitarian relief for refugees of hostilities in Rwanda, including medicine and support for medical teams, local food procurement, and assistance to help safely bury refugees who have died of cholera. Assistance will be provided through private voluntary organizations.

TITLE CHANGE

The conferees agree to include the Senate amendment changing the title of the bill to clarify that funds are available for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and for other purposes, and for a fiscal year 1994 supplemental, and for other purposes.

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	$14,342,886,866
Budget estimates of new (obligational) authority, fiscal year 1995	14,024,957,094
House bill, fiscal year 1995	13,615,999,750
Senate bill, fiscal year 1995	13,684,685,750
Conference agreement, fiscal year 1995	13,679,235,750
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1994	−663,651,116
Budget estimates of new (obligational) authority, fiscal year 1995	−345,721,344
House bill, fiscal year 1995	+63,236,000
Senate bill, fiscal year 1995	−5,450,000

DAVID R. OBEY,
SIDNEY R. YATES,
CHARLES WILSON,
JOHN W. OLVER,
NANCY PELOSI,
ESTEBAN TORRES,
NITA M. LOWEY,
JOSÉ E. SERRANO,
MARTIN O. SABO,
BOB LIVINGSTON,
JOHN PORTER,
JIM LIGHTFOOT
(except for Jordan debt forgiveness),
SONNY CALLAHAN
(except for Jordan debt forgiveness),
JOSEPH M. MCDADE,
Managers on the Part of the House.

PATRICK J. LEAHY,
DANIEL K. INOUYE,
DENNIS DECONCINI,
FRANK R. LAUTENBERG,
TOM HARKIN,
BARBARA A. MIKULSKI,

DIANNE FEINSTEIN,
ROBERT C. BYRD,
Managers on the Part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
August 1, 1994.

Hon. THOMAS S. FOLEY,
The Speaker,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, July 29, 1994 at 4:05 p.m. and said to contain a message from the President whereby he transmits the final report on the economic emergency declared on September 30, 1990.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

FINAL REPORT TO CONGRESS IN CONNECTION WITH ECONOMIC EMERGENCY DECLARED ON SEPTEMBER 30, 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Congress of the United States:

1. On September 30, 1990, in Executive Order No. 12730, President Bush declared a national emergency under the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1701 et seq.) to deal with the threat to the national security and foreign policy of the United States resulting from the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 et seq.), and the system of controls maintained under that Act. In that order, the President continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768 et seq.), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, Executive Order No. 12214 of May 2, 1980, and Executive Order No. 12131 of May 4, 1979, as amended by Executive Order No. 12551 of February 21, 1986.

2. President Bush issued Executive Order No. 12730 pursuant to the authority vested in him as President by the Constitution and laws of the United States, including IEEPA, the National Emergencies Act ("NEA") (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the United States Code. At that time, the President also submitted a report to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)). On March 27, 1993, the Export Administration Act was extended through June 30, 1994. Subsequently, on September 30, 1993, I issued Executive Order No. 12867, terminating Executive Order No. 12730.

3. Section 401(c) of the NEA additionally requires the submission of a final report on all expenditures incurred during the period of emergency. This report, covering the period from September 30, 1990, to September 30, 1993, is submitted in compliance with this requirement.

4. The expenses incurred by the Federal Government in the 3-year period from September 30, 1990, to September 30, 1993, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are estimated to have been $117,720,000, most of which represented program operating costs, wage and salary costs for Federal personnel, and overhead expenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 29, 1994.*

IF YOU WANT TO PLAY, YOU GOTTA PAY

(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, for years America has made threats, threats, threats, threats on trade with Japan, illegal trade. Our trade reps have made more threats than the World Wrestling Federation in all of their wrestlers combined. But our Presidents have too.

President Nixon threatened to send over plumbers, President Ford threatened to send over the University of Michigan football team, President Carter threatened to send over some sort of a peanut monster.

President Reagan, he threatened to send over Ollie North. President Bush, he not only threatened, he got so sick of it he threw up over there.

The truth of the matter is these are not threats, ladies and gentlemen. They have amounted to cerebral constipation, and they stink. Japan is still ripping us off big time, and it is time for President Clinton to act.

Now, he said he is sending over a 60-day notice. I think that notice should be delivered by Arnold Schwarzeneggar, not Barney Fife. It is time to tell Japan, ladies and gentlemen, the party is over. If you want to play, you gotta pay. You can't keep ripping off American workers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. FRANK of Massachusetts). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today, but not before 5 p.m.

VETERANS' EDUCATION AND TRAINING ACT OF 1994

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4768) to amend title 38, United States Code, to make changes in veterans' education programs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4768

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 "Veterans' Education and Training Act of 1994".

SEC. 2. FLIGHT TRAINING.

(a) ACTIVE DUTY PROGRAM.—Section 3034(d) of title 38, United States Code, is amended—

(1) by striking out paragraph (2);

(2) by striking out "(d)(1)" and inserting in lieu thereof "(d)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(b) POST-VIETNAM ERA.—Section 3241(b) of such title is amended—

(1) by striking out paragraph (2);

(2) by striking out "(b)(1)" and inserting in lieu thereof "(b)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

(c) RESERVE PROGRAM.—Section 2136(c) of title 10, United States Code, is amended—

(1) by striking out paragraph (2);

(2) by striking out "(c)(1)" and inserting in lieu thereof "(c)"; and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

SEC. 3. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) REHABILITATION RESOURCES.—Section 3115 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "assistance," and inserting in lieu thereof "assistance or any federally recognized Indian tribe,";

(2) in subsection (a)(4), by inserting "any federally recognized Indian tribe," after "contributions,"; and

(3) by adding at the end the following:

"(c) As used in this section, the term 'federally recognized Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

(b) ALLOWANCES.—Section 3108(c)(2) of such title is amended by inserting "or federally recognized Indian tribe" after "local government agency".

(c) TECHNICAL CORRECTION.—(1) Section 404(b) of the Veterans' Benefits Act of 1992 (106 Stat. 4338) is amended by striking out the period at the end thereof and inserting in lieu thereof ", but shall not apply to veterans and other persons who originally applied for assistance under chapter 31 of title 38, United States Code, before November 1, 1990.".

(2) The amendment made by paragraph (1) shall take effect as of October 29, 1992.

SEC. 4. ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

(a) IN GENERAL.—Section 3452(c) of title 38, United States Code, is amended by adding at the end the following: "For the period ending on September 30, 1996, such term includes entities that provide training required for completion of any State-approved alternative teacher certification program (as determined by the Secretary).".

(b) CLARIFYING AMENDMENT.—Section 3002 of title 38, United States Code, is amended by adding at the end thereof the following:

"(8) The term 'educational institution' has the meaning given such term in section 3452(c) of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of enactment of this Act.

SEC. 5. EDUCATION OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The first sentence of section 3476 of title 38, United States Code, is amended to read as follows: "An eligible veteran may not enroll in any course offered by an educational institution not located in a State unless that educational institution is an approved institution of higher learning and the course is approved by the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to courses approved on or after the date of the enactment of this Act.

SEC. 6. CORRESPONDENCE COURSES.

(a) APPROVAL OF PROGRAMS OF EDUCATION.—(1) Section 3672 of title 38, United States Code, is amended by adding at the end the following:

"(e) A program of education exclusively by correspondence, and the correspondence portion of a combination correspondence-residence course leading to a vocational objective, that is offered by an educational institution (as defined in section 3452(c) of this title) may be approved only if (1) the educational institution is accredited by an agency recognized by the Secretary of Education, and (2) at least 50 percent of those pursuing such a program or course require six months or more to complete the program or course.".

(2)(A) Section 3675(a)(2)(B) of such title is amended by striking out "A State" and inserting in lieu thereof "Except as provided in section 3672(e), a State".

(B) Section 3680(a) of such title is amended—

(i) by striking out "; or" at the end of paragraph (3) and inserting in lieu thereof a period; and

(ii) by striking out paragraph (4).

(C) Section 3686(c) of such title is amended by striking out "(other than one subject to the provisions of section 3676 of this title)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing after 90 days after the date of the enactment of this Act.

SEC. 7. STATE APPROVING AGENCIES.

(a) REIMBURSEMENT.—(1) Section 3674(a)(4) of title 38, United States Code, is amended by striking out "$12,000,000" each place it appears and inserting in lieu thereof "$13,000,000".

(2) The amendment made by subsection (a) shall apply with respect to services provided under such section after September 30, 1994.

(b) ELIMINATION OF REPORT TO CONGRESS REQUIREMENT.—Section 3674(a)(3) of such title is amended—

(1) by striking out subparagraph (B); and

(2) by striking out "(3)(A)" and inserting in lieu thereof "(3)".

(c) EVALUATION OF AGENCY PERFORMANCE.—Section 3674A(a) of such title is amended by striking out paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 8. MEASUREMENT OF COURSES.

Section 3688(b) of title 38, United States Code, is amended—

(1) by striking out "this chapter or" and inserting in lieu thereof "this chapter,"; and

(2) by inserting before the period at the end thereof the following: ", or chapter 106 of title 10".

SEC. 9. VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692 of title 38, United States Code, is amended—

(1) in subsections (a) and (b)—

(A) by striking out "34," both places it appears; and

(B) by striking out "title." and inserting in lieu thereof "title and chapter 106 of title 10." both places it appears; and

(2) in subsection (c), by striking out "1994" and inserting in lieu thereof "2003".

SEC. 10. CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING.

(a) PAYMENT LIMITATION.—Section 3697(b) of title 38, United States Code, is amended by striking out "$5,000,000" and inserting in lieu thereof "$6,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 11. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING ACT OF 1992.

(a) PERIOD OF TRAINING.—(1) Section 4485(d) of the Service Members Occupational Conversion and Training Act of 1992 (106 Stat. 2759; 10 U.S.C. 1143 note) is amended by striking out "or more than 18 months".

(2)(A) Section 4486(d)(2) of such Act (102 Stat. 2760; 10 U.S.C. 1143 note) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "in the community for the entire period of training of the eligible person.".

(B) The amendment made by subparagraph (A) shall apply with respect to programs of training under the Service Members Occupational Conversion and Training Act of 1992 beginning after the date of enactment of this Act.

(b) PAYMENTS.—Section 4487 of such Act (106 Stat. 2762; 10 U.S.C. 1143 note) is amended—

(1) in subsection (a)(1)—

(A) by striking out "subparagraph (B)" in subparagraph (A) and inserting in lieu thereof "subparagraphs (B) and (C)";

(B) by inserting before the period at the end of subparagraph (A) the following: "but in no event to exceed 18 months (or the equivalent training hours)"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) Assistance may be paid under this subtitle on behalf of an eligible person to that person's employer for training under two or more programs of job training under this subtitle if such employer has not received (or is not due) on that person's behalf assistance in an amount aggregating the applicable amount set forth in subparagraph (B).''; and

(2) in subsection (b)(3), by inserting before the period at the end thereof ", or upon the completion of the 18th month of training under the last training program approved for the person's pursuit with that employer under this subtitle, whichever is earlier".

(c) ENTRY INTO PROGRAM OF JOB TRAINING.—Section 4488(a) of such Act (106 Stat. 2764; 10 U.S.C. 1143 note) is amended by striking out the third sentence thereof and inserting in lieu thereof "The eligible person may begin such program of job training with the employer on the day that notice is transmitted to such official by means prescribed by such official. However, assistance under this subtitle may not be provided to the employer if such official, within two weeks after the date on which such notice is transmitted, disapproves the eligible person's entry into that program of job training in accordance with this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and include extraneous material, on the bill, H.R. 4768, and on the next two veterans bills, H.R. 4776 and H.R. 4724, on the schedule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I explain the major provisions of the bill, I want to thank the ranking minority member of my Subcommittee on Education, Training and Employment, the gentleman from Arkansas [Mr. HUTCHINSON], for his help and cooperation on this bill and the next veterans bill on the schedule.

I also want to thank the ranking minority member of the committee, Mr. STUMP, for his cooperation on all of the veterans bills we will consider today.

Mr. Speaker, H.R. 4768 would make permanent the flight training program which was originally established as a 5-year pilot program and is due to expire on October 1.

The bill would authorize a 2-year pilot program for State-approved, alternative teacher certification.

The State of Texas is a leader in utilizing alternative teacher certification programs that are helpful to former

servicemembers entering the teaching profession. The bill would give VA authority to approve these programs for GI bill benefits.

I want to thank our colleague, FRANK TEJEDA, for working with us on this part of the bill. It was his idea.

The bill would extend the expiration date of the Veterans' Advisory Committee on Education to the year 2003; and it would increase the level of funding available for veterans' educational and vocational counseling services provided by contract from $5 to $6 million.

Thousands of veterans who request counseling are being turned away because of inadequate funds. Although we would like to provide a larger increase, this additional funding will be very helpful.

Mr. Speaker, I want to thank my good friend, the gentleman from California [Mr. DELLUMS], chairman of the Armed Services Committee, and Mr. SPENCE of South Carolina, the ranking minority member of that committee, for their cooperation on the title 10 provisions of the bill.

Mr. Speaker, I urge my colleagues to support this important measure.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to comment the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the full Veterans' Affairs Committee and also the Subcommittee on Education, Training and Employment, as well as the gentleman from Arkansas [Mr. HUTCHINSON], the ranking minority member of the subcommittee. They have worked together very effectively in developing this bipartisan legislation and in bringing it through the committee and to the House.

Mr. Speaker, I urge my colleagues to act favorably on H.R. 4768.

Mr. Speaker, I would like to highlight two of the provisions of H.R. 4768.

This bill would authorize the first increase in funding for State approving agencies [SAA's] since 1989. After holding the line for 5 years, an increase from $12 to $13 million seems entirely reasonable, especially in light of the increased SAA workload in reviewing and approving courses offered by educational institutions for enrollment by veterans using their GI bill education benefits.

Also, this bill would authorize a greatly needed increase in funding for VA contract educational and vocational counseling. Funding, now capped at $5 million, would be raised to $6 million. The military drawdown is overwhelming the VA's ability to provide essential educational and vocational counseling needed to help disabled veterans get schooling and special job training and then return to work. An expanded contracting ability will help keep the VA from falling further behind and hopefully, the VA can begin to close the gap between demand and available services.

Finally, Mr. Speaker, I wish to note that the Veterans' Affairs Committee has a history of fiscal responsibility and does not propose legislation for which there is no money or which violates the Budget Act. The $4 million cost of H.R. 4768 will be more than covered by savings in H.R. 4386, the Veterans' Persian Gulf War Benefits Act of 1994, which I expect will be considered by the House before the recess later this month.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I rise today to join my colleague, the gentleman from Kansas [Mr. SLATTERY] in support of H.R. 4768, the Education and Training Act of 1994.

I am particularly pleased to note that the bill contains increased authorization both for the maximum amount made available to State approving agencies as well as for the level of funding made available for veterans' educational and vocational counseling services. These services have been crucial in enabling our country to deal effectively with the downsizing of our Armed Forces. H.R. 4768 also helps to provide our newly separated servicemembers with the necessary job training to enable our veterans to attain high quality civilian jobs through extended training periods.

I would also like to quickly point out that the costs incurred by this bill will be more than met with savings from H.R. 4386, the Persian Gulf War Veterans' Benefits Act.

So, Mr. Speaker, I am very glad to be able to rise in support of this legislation and to recognize that these costs incurred are more than offset in other veterans legislation.

Mr. GILMAN. Mr. Speaker, I am honored to rise in support of H.R. 4768, the Veterans Education and Training Act. I wish to thank my distinguished colleague from Mississippi, Mr. MONTGOMERY, for introducing this bill. I commend the Committee on Veterans' Affairs and the Committee on Armed Services for working together to formulate this worthwhile legislation that will positively affect our Nation's servicemen and women. Through the skilled leadership of both the chairman of the Veterans' Affairs Committee, and the ranking minority member, my colleague from Arizona, Mr. STUMP, continued attention has been shown to addressing the issues that affect our Nation's veterans.

Mr. Speaker, the Veterans Education and Training Act makes 10 revisions to several department of veterans [VA] education programs. These revisions extend the opportunity for education and training to veterans who have served in defending the freedom of our great Nation.

This legislation increases the maximum amount available to State approving agencies, agencies that review and certify educational programs for veterans, from $12 to $13 million. This measure is crucial in ensuring that our Nation's veterans are provided with the opportunity to gain the skills and training that are required to be competitive in today's society.

The Veterans Education and Training Act also requires that wages and benefits paid to veterans under the Service Members Occupational and Training Program [SMOTCA] are not to be less than benefits paid to other employees participating in similar training programs in the community. This aspect of the legislation provides veterans with equal benefits for equal training.

This measure is vital. We must assist these veterans who have so valiantly served our country. By approving this legislation today, we will enable them to obtain the skills and education that are necessary for success in today's competitive market.

The sacrifices that our Nation's veterans have made for our great Nation are immeasurable. Accordingly, I urge my colleagues to join me in supporting this worthwhile legislation.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4768, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VETERANS' EMPLOYMENT ACT OF 1994

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4776) to amend title 38, United States Code, to improve veterans' employment programs, and for other purposes.

The Clerk read as follows:

H.R. 4776

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 "Veterans' Employment Act of 1994".

SEC. 2. JOB COUNSELING, TRAINING, AND PLACEMENT.

(a) DEPUTY ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Section 4102A(a) of title 38, United States Code, is amended—

(A) by striking out "(1)" and "(2)" and inserting in lieu thereof "(A)" and "(B)", respectively;

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

(C) by adding at the end the following:

"(2) There shall be within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment and Training. The Deputy Assistant Secretary shall perform such functions as the Assistant Secretary of Labor for Veterans' Employment

and Training prescribes. The Deputy Assistant Secretary shall be a veteran, and the position of Deputy Assistant Secretary shall be a career reserved position, as defined in section 3132(a)(8) of title 5.".

(2) The amendment made by paragraph (1) shall apply with respect to a vacancy occurring in the position of Deputy Assistant Secretary of Labor for Veterans' Employment and Training after the date of enactment of this Act.

(b) DVOP SPECIALISTS COMPENSATION RATES.—Section 4103A(a)(1) of such title is amended by striking out "a rate not less than the rate prescribed for an entry level professional" and inserting in lieu thereof "rates comparable to those paid other professionals".

(c) SPECIAL UNEMPLOYMENT STUDY.—Section 4110A(a) of such title is amended—

(1) by striking out "disabled veterans and" and inserting in lieu thereof "disabled veterans,";

(2) by inserting ", veterans who served on active duty after the Vietnam era, and veterans discharged or released from active duty within four years of the applicable study" after "Vietnam era"; and

(3) by adding at the end the following: "For each of the classifications of veterans referred to in the previous sentence, such studies shall include a category for women who are veterans.".

SEC. 3. EMPLOYMENT AND TRAINING OF VETERANS.

(a) FEDERAL CONTRACTS.—Section 4212 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "disabled veterans and veterans" in the first sentence and inserting in lieu thereof "disabled veterans, veterans";

(B) by inserting the following before the period at the end of the first sentence: ", and veterans who served on active duty in the Armed Forces during a war in a campaign or expedition for which a campaign badge has been authorized"; and

(C) by striking out "suitable" in clause (1); and

(2) in subsection (d)(1)—

(A) by striking out "who are veterans of the Vietnam era or special disabled veterans" in subparagraph (A) and inserting in lieu thereof "and the number of such employees, by job category and hiring location, who are veterans described in subsection (a)"; and

(B) by striking out "who are veterans of the Vietnam era or special disabled veterans" in subparagraph (B) and inserting in lieu thereof "who are veterans described in subsection (a)".

(b) ELIGIBILITY REQUIREMENTS FOR VETERANS UNDER FEDERAL EMPLOYMENT AND TRAINING PROGRAMS.—Clause (3) of section 4213 of such title is amended—

(1) by inserting "30," after "13,";

(2) by striking out "34,"; and

(3) by inserting "and any amounts received by an eligible person under chapter 106 of title 10," after "title,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4776 would improve veterans employment programs in the Department of Labor. The bill would make the position of Deputy Assistant Secretary of Labor for Veterans' Employment and Training a career reserved position. Within the Department of Veterans Affairs, two-thirds of the Deputy Assistant Secretary positions are required to be filled by career civil servants. These individuals bring invaluable executive branch and program experience that greatly assist in program administration and the policymaking process. This experience and expertise will similarly benefit the development and administration of veterans' employment and training programs in the Department of Labor.

The bill would require that Disabled Veterans' Outreach Program specialists—known as D-VOPS—be compensated at rates comparable to those paid to other professionals.

The bill would also include veterans who served on active duty after the Vietnam era, recently discharged veterans, and women veterans, in the 2-year study conducted by the Bureau of Labor Statistics to determine unemployment among veterans. It is particularly important that we have improved statistical information regarding the employment needs of women veterans. This bill will make certain that this is done.

Mr. Speaker, the provisions contained in this bill will strengthen the employment programs for veterans as administered by the Department of Labor. At a time when many servicemembers are being discharged, this assistance is very important.

Mr. Speaker, I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our distinguished committee chairman, the gentleman from Mississippi, SONNY MONTGOMERY, and our distinguished ranking minority member of the Subcommittee on Education, Training and Employment, the gentleman from Arkansas, TIM HUTCHINSON, have also produced an excellent bill in H.R. 4776. I commend their work on this legislation as well.

H.R. 4776 deserves the support of every Member of the House and I urge its favorable consideration.

Mr. Speaker, among other provisions, H.R. 4776 would enhance access for veterans to all Federal contractor jobs. The bill would also make careers as Disabled Veterans' Outreach Program [DVOP] specialists more attractive by offering more competitive compensation for many of them. Thus, the disabled veterans who fill the DVOP specialist positions in State employment agencies would have the possibility of better pay, and the disabled veterans they serve would have the benefit of a higher experience level among DVOP specialists due to improved retention.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I want to commend the gentleman from Mississippi [Mr. MONTGOMERY] for the outstanding leadership that he has given to our Committee on Veterans' Affairs as a whole, particularly on these issues regarding veterans' employment, and I also would like to commend the gentleman from Arizona [Mr. STUMP] for the outstanding leadership that he has provided the Members of our side of the aisle.

Therefore, Mr. Speaker, I am glad to rise in support of H.R. 4776, the Veterans Employment Act of 1994. I am especially pleased with the requirement that Federal contractors must list all the openings associated with their Federal contract with the Appropriate Local Employment Service Office. It is important that we take every step possible to ensure that our veterans are contacted and made aware of all employment opportunities available to them. I think H.R. 4776 helps to accomplish this goal.

Mr. Speaker, I am glad to be able to support this legislation.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to compliment the gentleman from Arkansas [Mr. HUTCHINSON] for the close work we have had in our subcommittee, and also the gentleman from Arizona [Mr. STUMP] for his work. I also would like to thank the Chair for speeding along this process. We work very well together.

Mr. GILMAN. Mr. Speaker, I am honored to rise in support of H.R. 4776, the Veteran's Employment Act of 1994. I wish to thank the distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], for introducing this bill. Through his leadership as the chairman of the Committee on Veterans' Affairs, he, and the ranking minority member, the gentleman from Arizona [Mr. STUMP], have ensured that our Nation's veterans receive the benefits and the services they deserve.

Mr. Speaker, H.R. 4776 will make five noncontroversial revisions to the Department of Veteran's Affairs' employment programs. These amendments to the employment programs will provide fair and necessary benefits for those brave men and women who have served our country.

The Veteran's Employment Act of 1994 will designate the Deputy Assistant Secretary of Labor for Veteran's Employment and Training as a permanent position. The act will also require that veterans who served on active duty after Vietnam, are recently discharged, or are women, are included in the biennial veteran employment studies conducted by the Bureau of Labor Statistics.

I fully support this legislation, as I believe it will provide essential employment opportunities for our Nation's service men and women. H.R. 4776 requires that disabled veterans' outreach program specialists [DVOP's] be compensated at rates comparable to the private

sector. Under this legislation, it will be mandatory for Federal contractors to take affirmative action to employ disabled veterans, Vietnam veterans, and veterans with active duty service during a war, or campaign, for which a campaign badge has been authorized. In addition, Federal contractors will be required to post all openings associated with the Federal contracts with local employment service offices.

It is imperative that those who work to protect and defend our country receive the employment opportunities and the benefits they deserve. I urge my colleagues to support the Veteran's Employment Act of 1994. This legislation makes vital revisions that will benefit our Nation's service members, who through their brave service, have given so much to our great country. I believe H.R. 4776 to be a necessary measure to support our Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4776.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VETERANS' HOUSING AMENDMENTS OF 1994

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4724) to amend title 38, United State Code, relating to veterans housing programs, and for other purposes.

The Clerk read as follows:

H.R. 4724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY.

(a) RESERVISTS DISCHARGED BECAUSE OF A SERVICE-CONNECTED DISABILITY.—Section 3701(b)(5)(A) of title 38, United States Code, is amended—

(1) by inserting "(i)" before "who has"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof ", or (ii) who was discharged or released from the Selected Reserve before completing 6 years of service because of a service-connected disability.".

(b) SURVIVING SPOUSES OF RESERVISTS WHO DIED WHILE IN ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The second sentence of section 3701(b)(2) of such title is amended—

(1) by inserting "or service in the Selected Reserve" after "duty" each place it appears; and

(2) by striking out "spouse shall" and inserting in lieu thereof "deceased spouse shall".

SEC. 2. PUBLIC AND COMMUNITY WATER AND SEWERAGE SYSTEMS.

Section 3704 of title 38, United States Code, is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 3. REFINANCING LOANS.

(a) AUTHORITY TO GUARANTEE HOME REFINANCE LOANS FOR ENERGY EFFICIENCY IMPROVEMENTS.—

(1) LOANS.—(A) Section 3710(a) of title 38, United States Code, is amended by adding after paragraph (10) the following:

"(11) To refinance in accordance with subsection (e) of this section an existing loan guaranteed, insured, or made under this chapter, and to improve the dwelling securing such loan through energy efficiency improvements, as provided in subsection (d) of this section.".

(B) Section 3710(e)(1) of such title is amended by inserting "or subsection (a)(11)" after "subsection (a)(8)".

(2) FEE.—Section 3729(a)(2)(E) of such title is amended by inserting "3710(a)(11)," after "3710(a)(9)(B)(i),".

(b) REFINANCING ADJUSTABLE RATE MORTGAGES TO FIXED RATE MORTGAGES.—Section 3710(e)(1)(A) of such title is amended—

(1) by inserting "(i)" after "(A)";

(2) by inserting "or" at the end of clause (i), as designated by paragraph (1) of this subsection; and

(3) by adding after such clause (i), the following:

"(ii) the loan bears interest at a fixed rate that is agreed upon by the veteran and the mortgagee, and the loan being refinanced is an adjustable rate loan.".

SEC. 4. MANUFACTURED HOME LOAN INSPECTIONS.

(a) CERTIFICATION OF CONFORMITY WITH STANDARDS.—Section 3712(h) of title 38, United States Code, is amended by amending paragraph (2) to read as follows:

"(2) Any manufactured housing unit properly displaying a certification of conformity to all applicable Federal manufactured home construction and safety standards pursuant to section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415) shall be deemed to meet the standards required by paragraph (1) of this subsection.".

(b) REPEAL OF INSPECTION REQUIREMENTS.—Section 3712(j) of such title is amended—

(1) by striking out "refuses to permit the inspections provided for in subsection (h) of this section; or in the case of manufactured homes which are determined by the Secretary not to conform to the aforesaid standards; or where the manufacturer of manufactured homes"; and

(2) by striking "warranty." and inserting in lieu thereof "warranty; in the case of manufactured homes which are determined by the Secretary not to conform to the standards provided for in subsection (h) of this section; or in the case of a manufacturer who has engaged in procedures or practices determined by the Secretary to be unfair or prejudicial to veterans or the Government.".

(c) ELIMINATION OF REPORTING REQUIREMENT.—Section 3712(l) of such title is amended—

(1) by striking out "the results of inspections required by subsection (h) of this section,"; and

(2) by striking out "section, and" and inserting in lieu thereof "section and".

SEC. 5. PROCEDURES ON DEFAULT.

(a) IN GENERAL.—Paragraph (7) of section 3732(c) of title 38, United States Code, is amended—

(1) by striking out "that was the minimum amount for which, under applicable State law, the property was permitted to be sold at the liquidation sale" in the matter preceding subparagraph (A);

(2) by striking out "the Secretary may accept conveyance of the property to the United States for a price not exceeding" and inserting in lieu thereof "(i) the amount was the minimum amount for which, under applicable State law, the property was permitted to be sold at the liquidation sale, the holder shall have the option to convey the property to the United States in return for payment by the Secretary of an amount equal to";

(3) by striking out "and" at the end of clause (i), as so designated by paragraph (2), and inserting in lieu thereof "or";

(4) by adding after such clause (i) the following:

"(ii) there was no minimum amount for which the property had to be sold at the liquidation sale under applicable State law, the holder shall have the option to convey the property to the United States in return for payment by the Secretary of an amount equal to the lesser of such net value or total indebtedness; and"; and

(5) in subparagraph (B), by striking out "paragraph (6)(B)" and inserting in lieu thereof "paragraph (6)".

(b) CONFORMING AMENDMENT.—Paragraph (6) of such section is amended—

(1) by striking out "either"; and

(2) by striking out "sale or acquires" and all that follows through "(B) the" and inserting in lieu thereof "sale, the".

SEC. 6. MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(3) by inserting after subparagraph (F) the following:

"(G) to benefits under chapter 37 of this title by reason of discharge or release from active duty as a result of a reduction in force, as determined by the Secretary of the military department concerned in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Before yielding to the distinguished gentleman from Illinois [Mr. SANGMEISTER], chairman of the Subcommittee on Housing and Memorial Affairs, to explain the bill, Mr. Speaker, I wanted to say how much we will miss him when he leaves the Congress at the end of this session. The committee will be losing one of our outstanding Members, and veterans will be losing one of their greatest supporters.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. SANGMEISTER].

Mr. SANGMEISTER. Mr. Speaker, I would like to thank and commend the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the full committee, for his distinguished leadership

and his strong support of this measure. I would also like to thank the gentleman from Arizona [Mr. STUMP] and the gentleman from Indiana [Mr. BURTON], the ranking minority members of the full committee and the subcommittee, for their efforts and support. The individual members of the subcommittee worked hard as a team to develop this legislation, and I would like to thank each of them for their excellent contributions. A detailed explanation of the bill follows:

LOAN GUARANTY ELIGIBILITY FOR RESERVISTS DISCHARGED BECAUSE OF A SERVICE-CONNECTED DISABILITY

Mr. Speaker, H.R. 4724 would waive the 6-year minimum service requirement for reservists discharged because of a service-connected disability. Loan guaranty eligibility is currently authorized for veterans who are discharged from active duty for a service-connected disability. This provision grants similar eligibility for reservists.

Public Law 102-547 added a new section 3702(a)(2)(E) to title 38, United States Code, and thereby extended loan guaranty eligibility to veterans whose only service was in the Reserves or National Guard. The definition of veteran in 38 U.S.C. 3701(b) now includes an individual who has completed total service of at least 6 years in the Selected Reserve and, following the completion of such service, received an honorable discharge, was transferred to the Standby or Ready Reserve, or continues to serve in the Selected Reserve. 38 U.S.C. 3702(a)(2)(B) provides loan guaranty eligibility for veterans who are discharged from active duty for a service-connected disability. As I stated previously, there is no similar provision provided for reservists who are discharged because of a service-connected disability prior to completing the required 6 years of reservist service.

H.R. 4724 would correct this disparity in loan guaranty benefits eligibility between active duty veterans discharged because of service-connected disabilities and reservists discharged because of service-connected disabilities. This would be accomplished by amending 38 U.S.C. 3701(a) to extend eligibility for VA loan guaranty benefits to individuals discharged from the Selected Reserve prior to completion of 6 years' service because of a service-connected disability.

LOAN GUARANTY ELIGIBILITY FOR SURVIVING SPOUSES OF RESERVISTS WHO DIED WHILE ON ACTIVE DUTY OR FROM SERVICE-CONNECTED DISABILITIES

Mr. Speaker, H.R. 4724 would provide loan guaranty eligibility for surviving spouses of reservists who died on active military, naval, or air service on the same basis as a surviving spouse of any veteran who died in the active military, naval, or air service or who died of a service-connected disability.

The definition of veteran in 38 U.S.C. 3701(b) includes the surviving spouse of any veteran who died in the active military, naval, or air service or who died from a service-connected disability. There is no similar provision provided for surviving spouses of reservists who die while on reserve duty or as a result of a service-connected disability.

H.R. 4724 would correct this disparity in loan guaranty benefits eligibility between surviving spouses of active duty veterans and surviving spouses of reservists. This would be accomplished by amending 38 U.S.C. 3701(a) to extend eligibility for VA loan guaranty benefits to surviving spouses of reservists who die while on reserve duty or as a result of service-connected disabilities.

REPEAL OF REQUIREMENT FOR A STATEMENT OF LOCAL OFFICIALS REGARDING WATER AND SEWERAGE SYSTEMS

Mr. Speaker, H.R. 4724 would permit the VA to guarantee newly constructed residences in areas not served by public or community waste and sewerage systems if individual water and sewage disposal systems meet Federal, State, and local requirements.

Currently, 38 U.S.C. 3704(e) prohibits VA from guaranteeing a loan for a newly constructed residence in areas where local officials certify that the establishment of public or community water and sewerage systems is economically feasible unless the dwelling is served by such a system. If a new property uses well water or septic tank, and the local officials certify a public system is feasible, VA may not approve the loan.

H.R. 4724 would repeal 38 U.S.C. 3704(e). Since the enactment of this subsection in 1965, conditions have changed significantly. Federal, State, and local laws now adequately cover the subject of individual water and sewage disposal systems as an alternative to public and community systems. This is also an area in which the Environmental Protection Agency, which did not exist in 1965, has some authority.

For the most part, the certification requirement is a paperwork exercise. The statute places a burden on local community officials, program participants, and VA without materially benefiting the veteran.

AUTHORITY TO GUARANTEE ENERGY EFFICIENCY IMPROVEMENTS IN INTEREST RATE REDUCTION REFINANCING LOANS

Mr. Speaker, H.R. 4724 would authorize the VA to include in interest rate reduction refinancing loans an additional amount for energy efficiency improvements.

Public Law 102-547 amended 38 U.S.C. 3710 to authorize the VA to include the cost of energy efficiency improvements in VA loans up to $6,000. As of June 1994, 915 loans have been guaranteed under this program. Energy improvement costs may not be included, however in interest rate reduction refinancing loans. Such interest rate reduction loans typically do not involve an income verification or property appraisal because the effect is to reduce the veteran's payments under an existing loan. Hundreds of thousands of veterans have refinanced their VA-guaranteed loans during the past 2 years in order to reduce their interest rates, but were unable to take advantage of the energy efficiency program.

H.R. 4724 would permit the cost of energy efficiency improvements to be included in a loan refinanced for the purpose of reducing the interest rate. While the committee recognizes that adding the cost of energy improvements may increase the amount of the loan in relation to the value of the property, it believes that any increased risk from an increase in the loan-to-value ration would be slight and would be offset to a significant degree by the reduced payments resulting from lower interest rates.

The bill would add an exception for the cost of energy efficiency improvements to the maximum amount that can be borrowed in a loan refinance as now provided in 38 U.S.C. 3710(e)(1)(C).

LOANS TO REFINANCE ADJUSTABLE RATE MORTGAGES TO FIXED RATE MORTGAGES

Mr. Speaker, H.R. 4724 would permit the conversion of an adjustable rate mortgage to a fixed rate mortgage despite the higher interest rate on the fixed rate mortgage.

Under the provisions of 38 U.S.C. 3710(a)(8), VA guarantees loans to assist veterans in reducing their mortgage interest rates. These loans, referred to as interest rate reduction refinancing loans, are made with no additional charge against the veteran's entitlement, with the primary requirement being that the interest rate on the new loan must be less than the interest rate on the loan being refinanced.

A difficulty has arisen in applying this authority to cases involving veterans who are attempting to refinance adjustable rate mortgages with fixed rate mortgages. It often occurs that the current interest rate on the adjustable rate mortgage is less than the rate on the fixed rate mortgage. During periods of low-interest rates, it would be beneficial over the long term for the veteran to refinance to a fixed rate loan, even though the short-term cost may be higher. Current law prevents the veteran from obtaining an interest rate reduction refinancing loan for this purpose.

H.R. 4724 would correct this inequity by permitting veterans to obtain interest rate reduction loans to convert from an adjustable rate mortgage to a fixed rate mortgage whenever the veteran considers it advantageous to do so. These loans would continue to be made under the provisions of 38 U.S.C. 3710(e) which limit the new loan amount to the outstanding balance of the loan to be refinanced plus closing costs and a discount.

REPEAL OF CERTAIN REQUIREMENTS PERTAINING TO VA LOAN GUARANTY MANUFACTURED PURCHASES WITH A VA GUARANTEED LOAN

Mr. Speaker, H.R. 4724 would provide that any manufactured home properly displaying a certificate of conformity with all applicable Federal manufactured home construction and safety standards would be eligible for purchase with VA financing.

Currently 38 U.S.C. 3712(h)(2) requires VA to make inspections of the manufacturing process of manufactured homes and to perform random on-site inspections of manufactured homes purchased with a VA guaranty. The purpose of the inspections of manufacturing plants is to comply with 38 U.S.C. 3712(h)(1) which states that no loan for the purchase of a manufactured home may be guaranteed by VA unless the manufactured home meets or exceeds the standards for planning, construction, and general acceptability prescribed by the Secretary. The on-site inspections were mainly required to judge the effectiveness of the manufactured home loan program. It should be noted, however, that in 1994 only 25 manufactured home loans had been guaranteed as of June.

The bill would amend 38 U.S.C. 3712(h) to provide that any manufactured home bearing a seal pursuant to 42 U.S.C. 5415, indicating that it was built in compliance with Federal manufactured home construction and safety standards established by the Department of Housing and Urban Development [HUD], may be purchased with a VA guaranteed loan. The reported bill would also repeal 38 U.S.C. 3712(h)(2) and 3712(1), which requires an annual report to Congress on the results of these inspections and compliance with HUD warranty requirements.

It should also be noted that in carrying out the purposes of 38 U.S.C. 3712(h), VA has administratively adopted the safety and manufacturing standards issued by the Secretary of Housing and Urban Development pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401–5426. In compliance with 38 U.S.C. 3712(h)(2)(B), VA has delegated to HUD the responsibility for inspection of manufactured home plants.

Mr. Speaker, according to the Department of Veterans Affairs, HUD inspections are sufficient to insure that new manufactured homes sold to veterans are properly built, and no loans for the purchase of a manufactured home bears a seal indicating it was manufactured in accordance with HUD standards. VA therefore contends that the on-site inspections are necessary, and any inspections by VA of manufactured home processing would be duplicative of the HUD inspections. The inspections required by subsection (h) are reported to Congress by HUD. The experience with compliance with the subsection 3712(i) warranty is a matter which should be reported to HUD by the unit owner in accordance with instructions in the owners manual which manufacturers are required to provide with each unit.

PERMIT VA TO ACCEPT FORECLOSED PROPERTY NOTWITHSTANDING OVERBID

Mr. Speaker, H.R. 4724 would permit the VA to accept conveyance of a foreclosed property from a loan holder not withstanding the holder's overbid at the liquidation sale.

Under 38 U.S.C. 3732(c), when a VA guaranteed loan is in default, VA must compute the net value of the security property. "Net value" means the fair market value of the property, less the amounts VA would need to pay for holding and disposing of the property. If the net value of the property exceeds the total indebtedness minus the amount of VA's guaranty, the holder generally has the election of conveying the property to VA if the holder acquired the property at the foreclosure sale for the lesser of the net value of the property or the total indebtedness. The lesser of net value or total debt is often referred to as the specified amount or upset price.

The VA makes all of these calculations and notifies the holder of the specified amount in advance of the foreclosure sale. If the holder's bid exceeds the specified amount, even by $1, the VA may not acquire the property from the foreclosing loan holder under 38 U.S.C. 3732(c)(6). The reported bill would permit VA to acquire a property at the specified amount, whenever VA specifies an amount, without regard to any overbid by the loan holder.

Overbids often result from miscommunication among VA, the loan holder, and its counsel. When VA specifies an amount, VA has determined it is economically advantageous to the Government to acquire the property. Under the provisions of this bill, for property acquisition purposes only, VA cold ignore the overbid and acquire the property for the same terms as though the overbid did not occur.

AMENDMENT OF MINIMUM ACTIVE-DUTY SERVICE REQUIREMENT FOR LOAN GUARANTY BENEFITS

Lastly, Mr. Speaker, H.R. 4724 would waive the 2-year minimum service requirement for loan guaranty benefits for servicemembers who were released from active duty due to a reduction in force.

To be eligible for loan guaranty benefits based on active duty, an individual must qualify under the provisions of 38 U.S.C. 3702, which generally requires 90 days service in time of war 180 days of peacetime service. In addition, 38 U.S.C. 5303A requires that, for persons who enlisted after September 7, 1980, or officers who entered active duty after October 16, 1981, the individual generally must complete the shorter of 24 months of continuous active duty or the full period for which called or ordered to active duty. The exceptions are for persons discharged or released for a disability, or for a hardship under 10 U.S.C. 1173, or for the convenience of the Government under section 10 U.S.C. 1171.

The minimum active-duty service requirements of 38 U.S.C. 5303A were added to the law at a time when the Armed Forces were having a great deal of difficulty in recruiting and retaining a sufficient number of qualified personnel. However, the Defense Department has begun a multiyear drawdown in the number of Armed Forces personnel, which has had the effect of veterans being honorably discharged prior to completion of either 24 months or the full period for which called. In these cases, the affected veterans are being discharged before they become eligible for loan guaranty benefits under current law.

In light of current Department of Defense programs offering incentives to persons who agree to leave the Armed Forces early, it would be appropriate to update the provisions of 38 U.S.C. 5303A. Equitable considerations would dictate that veterans discharged early as a result of downsizing should not forfeit the loan guaranty eligibility to which they would have become entitled had they been allowed to complete their contract. Present law also involves the administrative burden of determining whether or not a discharge for the convenience of the Government was in fact issued under the authority of 10 U.S.C. 1171. The DD Form 214 issued to the veteran in these cases is frequently silent on this issue.

H.R. 4724 would amend 38 U.S.C. 5303A to clarify that the exception to the minimum service requirement for loan guaranty benefits is available to persons who failed to meet the 24-month minimum active-duty service requirements because of a reduction in force.

Mr. Speaker, this bill, at very little cost to the Government would extend VA no-downpayment loan eligibility to hundreds of veterans and their dependents who have never before been entitled. The Congressional Budget Office estimates that the bill would affect direct spending by less than $500,000 a year.

I think this is a good bill, and I strongly urge its favorable consideration by the House.

□ 1220

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, would like to thank the gentleman from Illinois [Mr. SANGMEISTER]. He has been a pleasure to work with, and from this side of the aisle we want him to know we wish him the very best in his retirement, and we thank him for his hard work on behalf of the veterans.

Mr. Speaker, I support H.R. 4724, a bill to enhance veterans' housing programs. The bill would extend home

loan guaranty benefits to members of the Selected Reserves, eliminate redundant and outdated VA reporting requirements, and permit inclusion of energy efficiency improvements in an interest rate reduction refinancing loan.

The bill also gives the VA the authority to correct bidding errors due to a miscommunication at the foreclosure sale.

In whole, these provisions improve the Home Loan Guaranty Program and make sound business sense.

Mr. Speaker, I wish to thank my good friend, SONNY MONTGOMERY, chairman of the Veterans' Affairs Committee, for his consideration of this matter.

In addition, I wish to recognize the gentleman from Illinois [Mr. SANGMEISTER], chairman of the Subcommittee on Housing and Memorial Affairs, and the gentleman from Indiana [Mr. BURTON], the subcommittee's ranking member for their leadership on this measure.

Mr. Speaker, I recommend that the bill be passed.

Mr. MONTGOMERY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I also want to thank the ranking minority member, the gentleman from Indiana [Mr. BURTON], for his work on this subcommittee, and I am grateful also to the gentleman from Arizona [Mr. STUMP] for his cooperation on the bill.

Mr. Speaker, this really makes it easier for veterans, as well as Reservists, to get home loans. That is what it is all about, to help these veterans and help these Reservists.

Mr. Speaker, it has been a pleasure working with the members of the committee, and I hope all the Members will support this legislation.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 4724, the veterans housing amendments of 1994.

I would like to commend the gentleman from Illinois [Mr. SANGMEISTER] for introducing this measure. Furthermore, I praise the chairman of the Veterans Committee, the gentleman from Mississippi [Mr. MONTGOMERY], and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for their continuing work on behalf of our Nation's veterans.

H.R. 4724 exempts Reservists with service-related disabilities from the 6-year service requirement for housing loans, extends loan guarantee assistance to the surviving spouses of Reservists who died on duty or from service-related disabilities, broadens the criteria for houses to receive VA loans, and enables those service members who have been released from active duty due to force cutbacks to bypass the 2-year service requirement for loan guaranty benefits.

Mr. Speaker, these crucial amendments express the support and appreciation that the American people have for our Nation's servicemen and women by making housing loans more accessible, and by recognizing the sacrifices made by disabled veterans, we are providing quality, affordable housing to our servicemen and women and their families, who have given so much to our great Nation.

Furthermore, the loan requirement exemptions for those Reservists who have been released from active duty due to a reduction in force, or have sustained a service-connected disability, enhance the equity of our Veterans Housing Program, and compensate those whose sacrifices have been unusually great.

Mr. Speaker, as our Nation's veterans continue to suffer poverty and homelessness, it is important that the Congress takes steps to relieve their suffering. H.R. 4724 is an essential part of this process, making good housing accessible to thousands of veterans. Mr. Speaker, our Nation's veterans have given so much to our Nation through the years, we must continue to recognize their valiant service and provide them with the benefits and the services they have earned.

Accordingly, I support this measure, and I urge my colleagues to also vote in support of this important legislation.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FRANK of Massachusetts). The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 4724.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess for 5 minutes.

Accordingly (at 12 o'clock and 23 minutes p.m.), the House stood in recess for approximately 5 minutes.

□ 1230

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SANGMEISTER] at 12 o'clock and 30 minutes p.m.

UNLISTED TRADING PRIVILEGES ACT OF 1994

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4535) to amend the Securities Exchange Act of 1934 with respect to the extension of unlisted trading privileges for corporate securities, and for other purposes.

The Clerk read as follows:

H.R. 4535

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 "Unlisted Trading Privileges Act of 1994".

SEC. 2. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.

(a) UNLISTED TRADING PRIVILEGES.—Section 12(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(f)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(f)(1)(A) Notwithstanding the preceding subsections of this section, any national securities exchange, in accordance with the requirements of this subsection and the rules hereunder, may extend unlisted trading privileges to—

"(i) any security that is listed and registered on a national securities exchange, subject to subparagraph (B); and

"(ii) any security that is otherwise registered pursuant to this section, or that would be required to be so registered except for the exemption from registration provided in subparagraph (B) or (G) of subsection (g)(2), subject to subparagraph (E) of this paragraph.

"(B) A national securities exchange may not extend unlisted trading privileges to a security described in subparagraph (A)(i) during such interval, if any, after the commencement of an initial public offering of such security, as is or may be required pursuant to subparagraph (C).

"(C) Not later than 180 days after the date of enactment of the Unlisted Trading Privileges Act of 1994, the Commission shall prescribe, by rule or regulation, the duration of the interval referred to in subparagraph (B), if any, as the Commission determines to be necessary or appropriate for the maintenance of fair and orderly markets, the protection of investors and the public interest, or otherwise in furtherance of the purposes of this title. Until the earlier of the effective date of such rule or regulation or 240 days after such date of enactment, such interval shall begin at the opening of trading on the day on which such security commences trading on the national securities exchange with which such security is registered and end at the conclusion of the next day of trading.

"(D) The Commission may prescribe, by rule or regulation such additional procedures or requirements for extending unlisted trading privileges to any security as the Commission deems necessary or appropriate for the maintenance of fair and orderly markets, the protection of investors and the public interest, or otherwise in furtherance of the purposes of this title.

"(E) No extension of unlisted trading privileges to securities described in subparagraph (A)(ii) may occur except pursuant to a rule, regulation, or order of the Commission approving such extension or extensions. In promulgating such rule or regulation or in issuing such order, the Commission—

"(i) shall find that such extension or extensions of unlisted trading privileges is consistent with the maintenance of fair and orderly markets, the protection of investors and the public interest, and otherwise in furtherance of the purposes of this title;

"(ii) shall take account of the public trading activity in such securities, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system; and

"(iii) shall not permit a national securities exchange to extend unlisted trading privileges to such securities if any rule of such national securities exchange would unreasonably impair the ability of a dealer to solicit or effect transactions in such securities for its own account, or would unreasonably

restrict competition among dealers in such securities or between such dealers acting in the capacity of market makers who are specialists and such dealers who are not specialists.

"(F) An exchange may continue to extend unlisted trading privileges in accordance with this paragraph only if the exchange and the subject security continue to satisfy the requirements for eligibility under this paragraph, including any rules and regulations issued by the Commission pursuant to this paragraph, except that unlisted trading privileges may continue with regard to securities which had been admitted on such exchange prior to July 1, 1964, notwithstanding the failure to satisfy such requirements. If unlisted trading privileges in a security are discontinued pursuant to this subparagraph, the exchange shall cease trading in that security, unless the exchange and the subject security thereafter satisfy the requirements of this paragraph and the rules issued hereunder.

"(G) For purposes of this paragraph—

"(i) a security is the subject of an initial public offering if—

"(I) the offering of the subject security is registered under the Securities Act of 1933; and

"(II) the issuer of the security, immediately prior to filing the registration statement with respect to the offering, was not subject to the reporting requirements of section 13 or 15(d) of this title; and

"(ii) an initial public offering of such security commences at the opening of trading on the day on which such security commences trading on the national securities exchange with which such security is registered.

"(2)(A) At any time within 60 days of commencement of trading on an exchange of a security pursuant to unlisted trading privileges, the Commission may summarily suspend such unlisted trading privileges on the exchange. Such suspension shall not be reviewable under section 25 of this title and shall not be deemed to be a final agency action for purposes of section 704 of title 5, United States Code. Upon such suspension—

"(i) the exchange shall cease trading in the security by the close of business on the date of such suspension, or at such time as the Commission may prescribe by rule or order for the maintenance of fair and orderly markets, the protection of investors and the public interest, or otherwise in furtherance of the purposes of this title; and

"(ii) if the exchange seeks to extend unlisted trading privileges to the security, the exchange shall file an application to reinstate its ability to do so with the Commission pursuant to such procedures as the Commission may prescribe by rule or order for the maintenance of fair and orderly markets, the protection of investors and the public interest, or otherwise in furtherance of the purposes of this title.

"(B) A suspension under subparagraph (A) shall remain in effect until the Commission, by order, grants approval of an application to reinstate, as described in subparagraph (A)(ii).

"(C) A suspension under subparagraph (A) shall not affect the validity or force of an extension of unlisted trading privileges in effect prior to such suspension.

"(D) The Commission shall not approve an application by a national securities exchange to reinstate its ability to extend unlisted trading privileges to a security unless the Commission finds, after notice and opportunity for hearing, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets, the protection of investors and the public interest, and otherwise in furtherance of the purposes of this title. If the application is made to reinstate unlisted trading privileges to a security described in paragraph (1)(A)(ii), the Commission—

"(i) shall take account of the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such a security, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system; and

"(ii) shall not grant any such application if any rule of the national securities exchange making application under this subsection would unreasonably impair the ability of a dealer to solicit or effect transactions in such security for its own account, or would unreasonably restrict competition among dealers in such security or between such dealers acting in the capacity of marketmakers who are specialists and such dealers who are not specialists.".

(b) CONFORMING AMENDMENT.—Section 12(f)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(f)(3)) is amended by striking "The Commission" and inserting "Notwithstanding paragraph (2), the Commission".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is taking up legislation to streamline and make our Nation's stock markets more competitive by extending unlisted trading privileges to the regional stock exchanges for most registered securities as soon as they become listed and registered on another exchange.

I am pleased to join with the distinguished gentleman from Oregon [Mr. WYDEN], who is the lead sponsor on this legislation, along with the gentleman from Michigan [Mr. DINGELL], the chairman, the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Tennessee [Mr. COOPER], the gentleman from Illinois [Mr. HASTERT], the gentlewoman from Pennsylvania [Ms. MARGOLIES-MEZVINSKY], the gentleman from New Mexico [Mr. RICHARDSON], and the gentleman from California [Mr. MOORHEAD], in cosponsoring this important piece of legislation.

This bill eliminates an anachronistic provision of the Securities Exchange Act of 1934 which requires regional stock exchanges, such as the Boston Stock Exchange, to receive Securities Exchange Commission approval before they can trade stocks listed on the New York or the American Stock Exchange.

The Securities and Exchange Commission routinely approves all requests by the regional exchanges for unlisted trading privileges. Last year, for example, the Commission reported that it approved over 1,600 exchange requests for UTP. No UTP requests have actually been denied since 1934, and during the last 10 years, virtually no comments have been submitted to the SEC on a UTP application.

At the same time, processing the paperwork involved in a UTP application can result in delays of up to 60 days before the regional exchanges actually can initiate trading in these listed securities.

In contrast, the stock brokerage firms that trade New York Stock Exchange-listed stocks in so-called over-the-counter third market, are subject to no comparable requirement to obtain SEC approval prior to trading the exact same securities. As a result, these firms can begin trading such stocks immediately upon their listing in the primary market.

H.R. 4535 will eliminate this regulatory disparity. It will permit the regional exchanges to trade all listed existing securities without having to receive prior SEC approval. At the same time, it will empower the SEC to undertake a rulemaking with respect to the granting of unlisted trading privileges in any initial public offering of securities in a company approved for listing on one of the primary exchanges.

On June 22, 1994, the Subcommittee on Telecommunications and Finance heard from representatives of the SEC, the New York Stock Exchange, the American Stock Exchange, the regional stock exchanges, and the NASD, and all of the witnesses testified that they strongly support H.R. 4535 as a fair and equitable compromise that will benefit consumers by increasing competition amongst our Nation's stock markets.

I want to again congratulate the gentleman from Oregon [Mr. WYDEN] on this legislation, and I wanted to thank the gentleman from Texas [Mr. FIELDS], the ranking minority member of the committee. We have tried to work on legislation here in a way that can very expeditiously bring more competition and better access for consumers to these important security marketplace products.

Mr. Speaker, I just once again want to thank the gentleman from Texas [Mr. FIELDS], and at this point reserve the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me begin on a note that the chairman just closed on, because I, too, appreciate the way in which the chairman has conducted not only the hearings that we have had on this particular issue, but the markup and working with all parties interested in developing good legislation.

Mr. Speaker, H.R. 4535 lays the foundation for removing unnecessary regulatory delays that inhibit market competition with respect to unlisted trading privileges.

In 1993 alone, the SEC processed over 1,600 exchange requests for unlisted trading privileges. The Commission tells us that no only are comments on UTP applications rare, virtually no comments have been submitted on any application in over 10 years.

By enacting H.R. 4535, we authorize the SEC to adopt rules that will provide for a minimum time period, or no time period at all, before a regional exchange can begin trading a stock listed on a primary exchange. By eliminating the application and approval process, we will free up valuable SEC personnel and financial resources that are currently being wasted on the UTP application review function.

I note that next year will mark the 20th anniversary of the 1975 amendments to the securities laws. It is appropriate that we review the progress that has been made to date, and determine what remains to be done to link our securities markets. The intent of Congress remains unchanged from what it was in 1975. We must continue our comprehensive legislative review of the securities laws to ensure that our markets continue to provide additional investor protection, to remove barriers to competition, and to attract the investment business of the world.

I want to commend the chairman of the Energy and Commerce Committee, JOHN DINGELL, and the ranking Republican, CARLOS MOORHEAD, for their leadership on this issue. I also want to commend Subcommittee Chairman ED MARKEY, and Congressman RON WYDEN for their work on the legislation. I support H.R. 4535, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, let me begin first by thanking the gentleman from Massachusetts [Mr. MARKEY], the chairman of the subcommittee. He has been extraordinarily patient in working on this legislation with me, with the gentleman from Michigan [Mr. DINGELL], the chairman, with our good friend, and the gentleman from Texas [Mr. FIELDS], for many years. We have now fashioned it so that I know of no opposition whatsoever. I think this is another example of what I would call the Markey-Fields Midas touch that they have brought to handling these regulatory matters.

The fact of the matter is, as both the gentleman from Massachusetts [Mr. MARKEY], the subcommittee chairman, and the gentleman from Texas [Mr. FIELDS] have really touched on, what the subcommittee is really about doing is eliminating some of these regulatory dinosaurs that are outdated, antiquated, bureaucratic hoops that are limiting competition in the securities marketplace. By going after this one in particular, we are in a position to give consumers greater choice and investors better prices for their investment options.

The bill does remove antiquated rules that require the Securities and Exchange Commission to conduct a lengthy application notice and approval process before a regional exchange can trade stocks listed on another exchange. This process currently takes 45 to 60 days, and as far as I can tell, in recent years this requirement has done absolutely nothing except heap extra administrative costs on the Securities and Exchange Commission.

So today, by eliminating this barrier, we seek to further promote the development of the intermarket trading system, look to the days when consolidated tape and pervasive computerization of the securities business are a reality, and there is no reason in my view to limit competition, given where we are headed through these outdated unlisted trading privilege regulations.

In my view, this legislation is common sense deregulation. It is going to increase competition, improve prices for consumers, and reduce costs for the Government.

Mr. Speaker, the hearing on this legislation, as the gentleman from Massachusetts [Mr. MARKEY], the chairman, and the gentleman from Texas [Mr. FIELDS] have noted, indicates that virtually nothing since the early thirties suggests that there are any problems with going forward with this reform.

□ 1240

I would also add that at this hearing I submitted information drawn from the trading of actual initial public offerings that showed that unless the regional exchanges can trade on the first day of trading, it is unlikely that consumers are going to reap the benefits of competition and lower prices.

The information that I submitted at that hearing indicates that on average the trading volume on the first day of trading was over 11 times higher than on the third day, over 26 times higher than on the 6th day and over 60 times higher than on the 60th day. Moreover, trading patterns by brokers are set in a given stock almost immediately. The record that we accumulated from these initial public offerings shows that even after the regional exchanges received unlisted trading privileges, their market share was generally stuck around 1 or 2 percent, while the share on the New York Stock Exchange hardly ever fell below 95 percent.

The bottom line is, if the regional exchanges do not have the opportunity to do this trading the first day, their ability to compete will always be limited. If we limit the competition, consumers and investors do not have the best opportunity to receive the lowest prices possible. We do not think that is in the public interest. That is why we are passing this legislation today.

Mr. Speaker, let me conclude, again, by expressing my thanks to the gentleman from Massachusetts [Mr. MARKEY] the gentleman from Texas, both of them are a pleasure to work with on these and other matters. I am especially pleased that this could be a real benefit to the small businesses of our country.

Mr. FIELDS of Texas. Mr. Speaker, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. I just want to point out to the House and particularly my side of the aisle that the gentleman from Oregon is being overly humble in regard to himself. It was the gentleman from Oregon who took this particular concept from Market 2000 and fostered this particular piece of legislation. I think it is important for the House to know who was really the inspiration behind what I consider to be a very good piece of legislation.

Mr. WYDEN. I thank my friend for his kind remarks. He is gracious as always. I think we know, with the gentleman from Massachusetts [Mr. MARKEY] and himself, we operate in a bipartisan way and this has been a team effort. And it has been great to work with both of them and also our ranking Republican, the gentleman from California [Mr. MOORHEAD], and the gentleman from Michigan [Mr. DINGELL].

Mr. FIELDS of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD], the senior Republican on the Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Speaker, H.R. 4535 is the most recent bill the Energy and Commerce Committee has produced in a series that serves to modernize the regulation and future structure of the securities markets.

H.R. 4535 will require the Securities and Exchange Commission to act within months of the bill being signed into law to address the process governing the granting of unlisted trading privileges to the regional stock exchanges. The commission will be required to engage in rulemaking to modernize these rules to ensure that monopolies are not being protected and that competition, not regulation, determines where stocks will trade.

The bill is the result of a bipartisan effort in both Houses of Congress, and I particularly want to commend subcommittee chairman EDWARD MARKEY and JACK FIELDS, the ranking Republican member of the Telecommunications and Finance Subcommittee, and chairman JOHN DINGELL of the full

committee for their leadership in this matter.

Mr. MARKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FIELDS of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SANGMEISTER). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 4535.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks, and to include extraneous material, on H.R. 4535, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING FOR INVESTIGATION OF WHEREABOUTS OF UNITED STATES CITIZENS MISSING FROM CYPRUS SINCE 1974

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2826) to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974, as amended.

The Clerk read as follows:

H.R. 2826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES CITIZENS AND OTHERS MISSING FROM CYPRUS.

(a) INVESTIGATION.—As soon as is practicable, the President shall undertake, in cooperation with an appropriate international organization or nongovernmental organization, a thorough investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974. The investigation shall focus on the countries and communities which were combatants in Cyprus in 1974, all of which currently receive United States foreign assistance.

(b) RESULTS OF THE INVESTIGATION.—The President shall report the findings of this investigation to the family of each of the United States citizens and others who have been missing from Cyprus since 1974 and to the Congress. Such reports shall include the whereabouts of the missing.

(c) RETURNING THE MISSING.—The President, in cooperation with an appropriate international organization or nongovernmental organization, shall do everything possible to return to their families, as soon as is practicable, the United States citizens and others who have been missing from Cyprus since 1974, including returning the remains of those who are no longer alive.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill requires the President to undertake, as soon as is practicable a thorough investigation of the whereabouts of United States citizens and others who have been missing from Cyprus since 1974.

H.R. 2826 was introduced by the distinguished gentleman from New York [Mr. ENGEL] in August of last year.

Originally, the administration had requested that the Committee on Foreign Affairs refrain from considering this legislation because of concerns that it would negatively impact on talks with Cyprus on this issue.

However, since that concern was raised, those talks have once again stalemated.

I would note for Members that this year marks 20 years since the tragic events that led to the invasion and division of Cyprus.

Nearly 20 years of bicommunal talks and U.N.-sponsored negotiations to bring a settlement to the Cyprus problem have failed. None of us would have believed in 1974 that those events would take so long to reverse.

It is my hope that this resolution will send a signal that the U.S. Congress has not forgotten about the Cyprus problem.

H.R. 2826 underscores our desire to see progress toward resolving all aspects of this long and divisive conflict and beginning a new, more hopeful, chapter in the history of Cyprus.

I would like to commend the gentleman from New York [Mr. ENGLE] for his work in moving this legislation through committee and to the floor.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our consideration of H.R. 2826, which calls for a Presidential investigation of the cases of missing persons from Cyprus, comes at a time point following our observance last week of the 20th anniversary of Turkey's brutal invasion and occupation of northern Cyprus, and I commend the gentlemen from New York and Illinois, Mr. ENGEL and Mr. PORTER, for introducing this measure.

The Turkish invasion of Cyprus has had lasting repercussions through Turkey's continued illegal occupation of a portion of Cyprus. None of these repercussions has been so tragic as the complete lack of a resolution of the cases of some 1,619 missing persons, including 5 U.S. citizens, whose fates remain unknown to this day.

Along with other Members of the House, I have repeatedly called on the government of Turkey and others who may have some information to come forward and help us resolve the question of what has happened to more than 1,600 MIA's. So far these calls have gone unheeded.

This resolution calls upon the President, as soon as practicable, to undertake an investigation in cooperation with international and other organizations of the whereabouts of those who have been missing since the Turkish invasion some 20 years ago. It directs the President to share the results of this investigation with the families of the missing as well as with the Congress. Finally, it would have the President do everything possible to return to their families the missing or their remains.

Mr. Speaker, along with the other cosponsors of H.R. 2826, I strongly believe that the families and friends of those persons missing since the Turkish invasion of Cyprus have a right to know the fate of their loved ones. Some 20 years of diplomatic efforts by the United Nations and by other organizations have proven fruitless.

It is long overdue for a serious effort by the U.S. Government to get to the bottom of this matter. Much information is almost certainly in the hands of the government of Turkey—a close friend and ally of the United States. We should make it clear to Turkey and anyone else that may have information that this is an issue of the highest importance. Accordingly, I urge my colleagues to join in support of this measure.

□ 1250

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, at the outset I want to thank the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman of our Committee on Foreign Affairs, for his leadership in bringing this to the floor, and thank his staff for their leadership. Without them, this would not have happened.

I also want to thank the gentleman from New York [Mr. GILMAN], our distinguished ranking minority member, and also my friend, the gentleman from Illinois [Mr. PORTER], who has worked so long and hard with me on behalf of the resolution of the Cyprus conflict.

Mr. Speaker, I rise to express my strong support for H.R. 2826, legislation directing the President to investigate the fate of 5 missing Americans and other missing on Cyprus since 1974.

Both of my colleagues, Mr. Speaker, have made reference to the fact that it has been 20 years since the invasion, and 20 years is certainly enough.

Less than 2 weeks ago, Mr. Speaker, we recalled the 20th anniversary of the Turkish invasion of the Island of Cyprus. One of the most horrific aspects of that act of aggression was the large dispersement of the Cypriot population and the arrest and disappearance of more than 2,000 people. What is particularly galling, Mr. Speaker, is that Turkey, a close ally and NATO member, used American weaponry for that invasion, and we have not in the 20 years gotten an accounting of five missing American citizens.

Mr. Speaker, in the wake of that invasion, 5 Americans, 1,600 Greek Cypriots, and several hundred Turkish Cypriots disappeared, never to be heard from again.

For nearly two decades, their families have relentlessly but unsuccessfully tried to find traces of their loved ones. In the years since his disappearance, the parents of Andrew Kassapis, whom I have met many times, from Detroit, have yet to understand how the invaders could take their son away, all the while he was holding an American passport and declared that he was an American citizen. That did not seem to matter. He was brutally taken away by the Turkish invaders.

Mr. Speaker, I firmly believe that the time has come to shed light upon this tragic aspect of the Cyprus conflict. By introducing this legislation, I hope to obtain for the suffering families the answers for which they have longed. H.R. 2826 directs the President to conduct "a thorough investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974." I might add, Mr. Speaker, that the 1974 date is a key date, because that, of course, was the date of the invasion of Cyprus.

Mr. Speaker, the bill also requires the President to report to family members on the whereabouts of the missing and to return them or their remains to loved ones.

As of today, almost 190 Members of Congress have cosponsored H.R. 2826. Included in that list are more than half of the members of the Foreign Affairs Committee. By passing this legislation today, we will take an important step toward ending the pain still endured by families of the missing. Their questions cannot remain unanswered and they deserve a full and honest accounting of what happened to their loved ones.

I, therefore, urge my colleagues to support H.R. 2826 and encourage the House to pass this legislation. After 20 years, we must finally expose this dark chapter in the history of Cyprus and bring to light the fate of the missing Americans.

Mr. Speaker, I again thank the gentleman from Indiana [Mr. HAMILTON], the distinguished chairman of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. GILMAN] for yielding time to me, and for his abiding and strong leadership on this and on all humanitarian and human rights issues.

Mr. Chairman, I thank the gentleman from Indiana [Mr. HAMILTON] for his willingness to address this important issue, and I thank the gentleman from New York [Mr. ENGEL], a member of the Committee on Foreign Affairs, for his able advocacy and excellent work in getting this bill to the floor.

Mr. Speaker, as an original cosponsor of this measure, I also thank the 186 Members of the House who have cosponsored.

Mr. Speaker, this bill was introduced last year, the week of the 19th anniversary of the Turkish invasion of Cyprus. That week, a delegation of religious leaders and others from Cyprus, all of whom were members of the Committee on the Missing, came to Washington to participate in a candlelight vigil in Lafayette Park across from the White House. Some of them had missing relatives, and we heard their stories and the story of Mr. Kostas Kassapis, an American citizen whose 17-year-old son, Andrew, was abducted at gunpoint by the Turkish military in 1974. We learned how fresh these memories are for many Cypriots and the families of the five missing Americans.

Two weeks ago we commemorated the 20th anniversary of the separation of Cyprus. During the intervening year, 186 Members of the House cosponsored this bill. A similar bill in the Senate attracted 46 cosponsors.

The reason, I believe, so many Members have cosponsored so quickly, is because, while the problems of finding a fair and democratic solution to the situation on Cyprus have been elusive, the issue of the missing is simple and clear cut. Returning the five Americans and the other Greek-Cypriots and Turkish-Cypriots missing as a result of the Turkish invasion to their families—living or not—is a humanitarian issue. It must not be confused with the larger political and diplomatic issues that involve Greece, Turkey, the United States, the Government of Cyprus, and the Turkish-Cypriot-dominated north.

Our Nation has struggled long and hard with the issue of missing from the Vietnam War and we understand as a nation the pain it causes. To make it even worse in the case of the missing Americans from the Turkish invasion, are all noncombatants, and their ages range from the 17-year-old Andrew Kassapis to men past retirement age.

Another reason this bill has found such acceptance with House Members is that it is very limited in scope. It simply directs the President to investigate and report to Congress on the whereabouts of Americans and others—both Greek Cypriots and Turkish Cypriots—who have been missing from Cyprus since 1974 and to do everything to return them or their remains to their families.

The State Department routinely investigates leads on the missing Americans in Cyprus and has worked with the United Nations Committee on Missing Persons, which was created in 1981 and is charged with pursuing missing cases and ultimately setting this issue to rest.

While the Committee on Missing Persons is a useful and necessary office, it has made little progress in achieving its mission. This is largely because of a lack of information being supplied to it. This effort needs to be revitalized.

This bill is designed to jump start the process and resolve this issue once and for all. I was told at a Congressional Human Rights Caucus forum on this issue in May 1992 that many of the outstanding cases could be resolved very quickly with a small amount of information and some cooperation by the Government of Turkey, the Government of Cyprus, and the leadership in the north of Cyprus.

Mr. Speaker, Turkey has, with unusual inhumanity, even for it, refused cooperation with international bodies to trace those missing as a result of their invasion of 20 years ago. They outrage all civilized peoples everywhere in this cynical refusal.

Hopefully, Mr. Speaker, they will see the light of day, if not in regard to the humanitarian nature of the finding of the fate of the missing, then at least in regard to their future relations with our country and with the European Community, with which they have expressed strong interest in economic union.

Mr. Speaker, I encourage Members to support this bill, which addresses a humanitarian issue involving Americans, and I again thank the gentleman from New York [Mr. ENGEL] for his tireless efforts in this important cause, and for his leadership in bringing this bill to the floor, together with the chairman and ranking member of the Committee on Foreign Affairs.

□ 1300

Mr. GILMAN. I thank the gentleman for his kind, supportive remarks, and I commend him for his continuing efforts on behalf of human rights throughout the world.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], another member of the Committee on Foreign Affairs.

Mr. BEREUTER. Mr. Speaker, this Member rises in conditional support for an investigation of the missing from

the conflict between the Greek Cypriots and the Turkish Cypriots. Certainly, the families of the five missing Americans should be afforded whatever solace they may gain from learning the final status of their loved ones who disappeared 20 years ago. This Member commends the gentleman from New York [Mr. ENGLEL] for raising again, this important issue.

As members of the Foreign Affairs Committee may recall, when H.R. 2826 was considered in the Foreign Affairs Committee, this Member expressed concern that emphasis on the missing Americans and the missing Greek Cypriots, with no reference to the more than 800 missing Turkish Cypriots, might have the unintended effect of appearing to take sides between Turkish and Greek Cypriots. The United States should and must be evenhanded not only because of the impact on Cyprus, but also because we must not exacerbate relations between our two NATO allies—Greece and Turkey.

This Member raises this issue because the United States is attempting to act as an honest broker in the talks on the confidence building measures [CBM] in Cyprus. Were the Congress to appear to be taking sides, our credibility as an arbitrator in the CBM talks could be undermined.

Regrettably, there are elements on both sides of the Cyprus dispute who would like to see the CBM talks fail. These groups are prepared to use even the most insignificant and unintended nuance as a sign of a change in U.S. policy. The actions of this body are followed very closely in the capitals of the world, and the diplomats and the media in Nicosea, in Athens, and in Ankara will follow our actions very closely.

The State Department seems to acknowledge this potential difficulty in its official assessment of H.R. 2826, which was delivered to the Foreign Affairs Committee on March 9, 1994. In it, Assistant Secretary of State Wendy Sherman noted that:

> Greek Cypriots list approximately 1,600 names missing since 1974, of which 5 are U.S. citizens. In addition, the Turkish Cypriots estimate 800 missing, many dating from the 1963–74 period.

After the committee markup, this Member has subsequently received verbal assurances that it is indeed the State Department's intention to investigate all the missing in Cyprus—Greek-Americans, Greek Cypriots, and Turkish Cypriots. If H.R. 2826 results in an evenhanded and balanced investigation of the missing in Cyprus, then this Member can enthusiastically support the resolution of the gentleman from New York. Given the assurances provided by the State Department, this Member would urge approval of H.R. 2826.

Ms. SNOWE. Mr. Speaker, I rise today to express my strong support for H.R. 2826, a bill which would provide for an investigation into the whereabouts of five American citizens missing in Cyprus since the brutal invasion of that island republic by Turkey 20 years ago.

As a result of that invasion, five American citizens were taken captive by a NATO ally. The families of these missing Americans have tried relentlessly to discover the whereabouts of their loved ones. Last week, I met the father and sisters of one of those American citizens still missing in occupied Cyprus. Twenty years ago, 17-year-old Andy Kassapis, of Livonia, MI, was dragged off by Turkish troops with his United States passport in his hand. He has not been heard from since. We owe it to him, and the other four missing Americans, to do everything we can to determine their whereabouts. But Turkey, a fellow member of NATO, has so far declined to cooperate in this effort.

Turkey's brutal invasion 20 years ago drove more than 200,000 Cypriots from their homes and reduced them to the status of refugees in their own land. More than 2,000 people are still missing, including 5 American citizens. The Turkish Army seized 40 percent of the land of Cyprus, representing 70 percent of the island's economic wealth. Barbed wire stretches across the country like an ugly scar, and armed check points dot the green line.

I was first elected to Congress in 1978, 4 years after the Turkish invasion. That was also the year that President Carter succeeded in getting the United States arms embargo on Turkey lifted on the promise of an imminent breakthrough on ending the tragic division of the island. But the Turks never had any intention of fulfilling that promise.

Every year that I have been in Congress I have noted a cynical, fraudulent pattern of behavior by the Turkish Government and by the leader of the self-proclaimed Turkish Republic of Northern Cyprus. Each year, there are hints of movement and glimmering hopes of ending the Turkish occupation and reuniting Cyprus. The most recent opportunity was the United Nations-sponsored talks over confidence building measures that predictably collapsed just weeks ago because of continued Turkish intransigence.

Each year, the hopes of the Cypriot people are dashed on two bedrock facts. These are, first, the basic preference of Mr. Denktash, the leader of the Turkish-Cypriot community, for the status quo. By now, it should be clear that he prefers a divided island, even though his illegal rump country is not recognized by the international community and is, in reality, controlled by Turkey. The second bedrock fact is that the 40,000 Turkish occupation troops in northern Cyprus are there only to enforce the illegal status quo.

I realize that after 20 years there are some who might wish to put this issue aside, and say that perhaps nothing can be done. But I challenge anyone who might be tempted to accept the status quo whether out of frustration of weakness. Accepting the status quo would not only be morally wrong, but it simply is not an option.

The status quo on Cyprus has always been unacceptable. But the dramatic changes in the world now call for putting words into deeds. For so many years, the apologists for Turkey have argued that our hands were tied because of the need to support Turkey as a bulwark against the expansion of the Soviet Union into the Eastern Mediterranean. But that argument and the Soviet threat have both evaporated.

The United States and the United Nations must unequivocally declare that the time is over for endless bad faith negotiations and intransigence on the part of the Turkish side. The time has arrived for concrete steps to end the illegal division of the island.

Turkey must also be made to realize that it shares much of the blame for the repeated failures at the negotiating table. The government in Ankara must be held accountable for its influence over Mr. Denktash and the Turkish Cypriots. Their continued intransigence has not just been sanctioned but encouraged by Turkey. The United States must pressure the Turkish government to make it understand that it is in their best interests to negotiate a peaceful end to its illegal occupation of Northern Cyprus.

Three months ago, President Clerides of Cyprus made an astounding proposal that would transform the political environment. He proposed that both the government of Cyprus and the Turkish occupation forces disband their military forces. He called on the creation of a new U.N. peacekeeping operations that would take over the military assets of each side. He further offered to pay the costs of the U.N. operation from the resulting budget savings. This would shatter the stalemate and finally establish an environment in which the country can be peacefully reunited.

It would be preferable for this proposal to be implemented by agreement between the parties. But he must also keep in mind the facts that the Turks like occupying their weaker neighbor and Mr. Denktash likes pretending to rule a pretend nation.

We must continue to press for a negotiated settlement to the illegal division of Cyprus and the full accounting of those missing because of that division. With the passing of this bill, the House is sending the signal that the time for meaningless words is passed, and that only concrete actions will be acceptable.

Mr. BILIRAKIS. Mr. Speaker, I rise today in strong support of H.R. 2826, which will provide for an investigation into the circumstances surrounding United States citizens missing from Cyprus since the 1974 illegal Turkish occupation.

I also would like to take this opportunity to commend my colleagues Congressman ENGEL of New York and Congressman PORTER of Illinois for introducing this legislation.

Mr. Speaker, in the spring of 1992 I had the opportunity to chair hearings held by the congressional human rights caucus on the issue of the 1,619 people who are still unaccounted for in Cyprus as a result of the 1974 Turkish occupation.

What I heard during those hearings was agonizing. We had the opportunity to have a small, informal briefing then with Costas Kassapis, an American citizen from the State of Michigan. He and his family, who are American citizens as well, where in Cyprus at the time of the occupation. His son, Andrew, who was only 17 years old at the time is among the missing. Andrew Kassapis was dragged off in August 1974 by Turkish soldiers, nearly a month after the actual invasion. Andrew was

abducted with his American passport in hand and has not been seen or heard from since.

Costas Kassapis made a heart-wrenching plea to us in that briefing. He made sure to tell us that he hates no one. All he wants is his boy, Andrew. Costas Kassapis' words were these:

If he is alive, I want him back. If he is not, I need a concrete answer as to what has happened. I need help finding out. My family and I have suffered very much these past years wondering where Andrew is. Our thoughts and prayers are with him every single day wondering if he is hungry or fed or if he is rotting in a Turkish prison.

Mr. Speaker, five American citizens are still missing as a result of the illegal Turkish invasion of Cyprus in 1974, and Turkey is considered by the United States and this administration as an ally. However, the question still remains, what happened to these people?

For 20 years we've not known what really happened. All we have is the word of Mr. Rauf Denktash, the leader of the Turkish Cypriots, that these people are dead. Mr. Speaker that is not enough. We must find out what has happened to the five Americans in 1974, as well as the rest of the missing Greek Cypriots. If we are ever to find peace in that part of the world we must have concrete evidence on what has happened.

In 1974, Turkish television and newsreels produced photographs of prisoners of war that were taken during the occupation. They show Greek Cypriot soldiers on their knees with their hands above their heads. These prisoners of war that have been identified in these photographs and newsreels are still listed as missing. If these defenseless soldiers are dead, as Mr. Denktash has said, then we have a direct and flagrant disregard of the Geneva Convention.

Mr. Speaker, H.R. 2826 will bring us one step closer to answering a 20-year-old question. I again would like to express my appreciation to the gentleman from New York [Mr. ENGEL] as well as the gentleman from Illinois [Mr. PORTER] for bringing attention to this important human rights issue.

Mrs. MALONEY. Mr. Speaker, I want to thank my colleagues ELIOT ENGEL and JOHN PORTER for all their hard work on H.R. 2826, legislation which calls on the President to investigate the whereabouts of the 1,614 Cypriots and 5 Americans who are still missing from the 1974 invasion of Cyprus.

This resolution has garnered the impressive, bipartisan support of 186 of our colleagues here in the House and 43 Members of the other body. I am proud to be a cosponsor of this bill and to vote for its passage today. I would also urge the other body to pass this measure during this session of Congress.

Two weeks ago many of us commemorated the illegal 1974 Turkish invasion and occupation of 37 percent of Cyprus. The most tragic consequence of that invasion was the disappearance of 1,619 people during the hostilities. Included among the missing are the friends and relatives of many of my constituents from Astoria, NY.

George Anastasiou disappeared during that invasion. The last his brother Andreas heard from him was a message received 6 months after his capture. Andrew Kassapis was dragged off by Turkish Cypriot soldiers with his United States passport in his hand. Christaci Loizoi was 5 years old when he disappeared from a Turkish doctor's office after being hit by a stray bullet. Christaci's mother has been waiting 20 years for word on her son.

These victims are real. Equally as real are the shattered lives of their families and friends. For 20 years they have been waiting, hoping, and praying. Their pain must be relieved. Turkey must account for the missing.

The Turkish Government has been ignoring repeated U.N. resolutions, resolutions of this Congress and the pleas of family members separated from loved ones for 20 years. They continue to refuse to account for the fate of the missing. This is a crime against not only the missing but their families and friends as well.

You don't have to be a native Cypriot to feel kinship with the fathers and mothers and sisters and brothers of those missing and unaccounted for for 20 years. We must not let the world forget this tragedy. We must not turn our backs on the people of Cyprus. We must press the Turkish Cypriot leadership, and their supporters in Ankara, to release or account for the 1,619 missing persons.

This House has made a good first step toward making an accounting. The Senate and the President should do so as well.

Mr. MEEHAN. Mr. Speaker, today I am pleased that the House has approved H.R. 2826, a bill which will direct the President to investigate and report to Congress on the whereabouts of United States citizens who have been missing from Cyprus since 1974 and do everything possible to return these missing people, or their remains, to their families. H.R. 2826 is only the first step toward finding a solution to the situation in Cyprus.

As you may recall, Turkish forces attacked and occupied the island in 1974. Since then, the violations of Turkish forces have continued. Innocent people are still dying for no apparent reason. I'm sure you've heard the numbers: 1,619 Greek Cypriots are still missing from those fateful days of 1974, over 200,000 have been displaced, and there are actually Americans who are still missing.

These are more than mere numbers, though. These are people who had friends, family, children, and hopes for the future. Now there are children who will never know their mother or father, there are parents who will never see their children again, and there is a world that will suffer for never having had the opportunity to gain from these people.

When Turkey invaded Cyprus, the U.N. Charter, which specifically states in its preamble that, "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nation," was violated. In addition, the North Atlantic Treaty Organization's charter was violated.

Today, 37.3 percent of Cyprus is occupied by Turkish forces. There are 80,000 illegal Turkish settlers, and 35,000 illegal occupation troops. It's important to remember, though, that the Greek Cypriots were not the only people affected by the Turkish invasion. American citizens living in Cyprus have had their land and homes seized and occupied by Turkish forces. American citizens are also still missing after almost 20 years.

Since the need of the cold war, the world has been struggling to define a new world order. Under this new world order, we must work together to achieve peace, and Cyprus is simply one of many tests of this new world order. If we can be successful in our aspirations for peace in Cyprus, then we can truly be successful in other areas of the world.

The human rights violations that have been going on in Cyprus for the past 20 years cannot be allowed to continue. It is our duty as Americans to help find a solution to end these atrocities and aid not only the Greek Cypriots but American citizens as well. As a cosponsor of H.R. 2826, I strongly feel that now is the time to take action on locating these missing Americans, and take our first step in resolving the situation in Cyprus.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SANGMEISTER). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the bill, H.R. 2826, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HELSINKI HUMAN RIGHTS DAY

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 195) to designate August 1, 1994, as "Helsinki Human Rights Day."

The Clerk read as follows:

S.J. RES. 195

Whereas August 1, 1994, is the 19th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter referred to as the "Helsinki Accords");

Whereas the participating States have declared their determination to fully respect and apply the Helsinki Principles Guiding Relations among participating States, including respect for human rights, the territorial integrity of States, and the inviolability of frontiers;

Whereas the participating States have declared that "the protection and promotion of human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security";

Whereas the participating States have declared that "respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility are our common aims";

Whereas the participating States have acknowledged that "there is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice";

Whereas the war in Bosnia and Hercegovina has resulted in organized, systematic, and premeditated war crimes and genocide and has threatened stability and security in Europe;

Whereas ethnic tensions, civil unrest, and egregious human rights abuses in several of the recently admitted CSCE States continue to result in significant violations of CSCE commitments; and

Whereas the CSCE has contributed to positive developments in Europe by promoting and furthering respect for the human rights and fundamental freedoms of all individuals and groups and provides an appropriate framework for the further development of such rights and freedoms and genuine security and cooperation among the participating States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HELSINKI HUMAN RIGHTS DAY.

(a) DESIGNATION.—August 1, 1994, the 19th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day".

(b) PROCLAMATION.—The President is authorized and requested to issue a proclamation reasserting America's commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory States to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs, ceremonies, and activities.

(c) HUMAN RIGHTS.—The President is requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

SECTION 2. TRANSMITTAL.

The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United States of the other 52 Helsinki signatory States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us designates today—August 1—as Helsinki Human Rights Day.

Let me first thank the chairman of the Post Office and Civil Service Committee, Mr. CLAY, who agreed to waive consideration of this resolution so that the House could consider it today.

I would like to also commend the gentleman from Maryland [Mr. HOYER], who is the original sponsor of the House companion resolution, House Joint Resolution 393.

Mr. HOYER has long been one of the principal proponents in the House of the need to protect internationally recognized human rights around the world, and he is to be commended for his work in this area.

Mr. Speaker, this resolution is very straightforward:

It notes that today is the 19th anniversary of the signing of the Helsinki accords;

It recognizes that the protection and promotion of human rights and fundamental freedoms, as well as the strengthening of democracy, continue to be vital to our security; and

It recognizes the positive contributions to stability that the Conference on Security and Cooperation in Europe has made by promoting and furthering respect for human rights and fundamental freedoms of all individuals and groups.

At this time, when ethnic tensions, civil unrest and continued human rights abuses continue to threaten stability around the world, I believe it is important for us to remember that civilized nations, acting in concert, can play an important role in addressing these problems.

This resolution reasserts our commitment to full protection of human rights around the world and deserves the support of the House.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 195 which designates today, August 1, 1994 as Helsinki Human Rights Day. Nineteen years ago our Nation along with Canada and all the other European nations signed the final act of the Conference on Security and Cooperation in Europe. That act culminated a long series of negotiations linking together the concepts of security and stability in Europe with the recognition of human rights. While today this notion is widely accepted, 19 years ago and earlier, during the bitterest years of the cold war, the totalitarian regime which controlled the Soviet Union categorically rejected international human rights standards.

The Soviets maintained then that the manner in which citizens were treated by their government was strictly an "internal matter," beyond the purview of international relations. By signing the final act the Soviets were not only brought within the sphere of Europe, but were also explicitly acknowledging that human rights were a legitimate issue of international concern.

Tragically today, Mr. Speaker, in the former Yugoslavia, we are witnessing violations of human rights on a massive scale where the governments of the Republics of the former Yugoslavia are failing to uphold fully the standards contained in the Helsinki accords. Indeed, one government, Serbia, has adopted a policy of deliberately flouting these standards.

The conflict in the Balkans is a signal to all of us that the Helsinki accords are a living document that we must constantly strive to uphold so that all the citizens of Europe can enjoy the fruits and benefits of peace, security, and the full enjoyment of basic human rights and fundamental freedoms.

Accordingly, Mr. Speaker, I urge all my colleagues to join in saying aye to Senate Joint Resolution 195, and by doing so, send a message that will be heard throughout Europe that we believe firmly in the CSCE and in fulfilling the promise of Helsinki that was born 19 years ago today.

Mr. HOYER. Mr. Speaker, I wish to thank the distinguished chairman of the Foreign Affairs Committee, Mr. HAMILTON, and the ranking minority member, Mr. GILMAN, for their assistance in bringing the pending resolution before the House and for their steadfast support for the Helsinki process and the work of the Helsinki Commission. I am privileged to serve as cochairman of the Commission together with my good friend Senator DENNIS DECONCINI who is scheduled to retire at the end of this Congress. I want to make special mention and commend Senator DECONCINI for his years of tireless dedicated service to the Commission and his steadfast commitment to the principles enshrined in the Helsinki Final Act.

Today we commemorate the 19th anniversary of the signing of the Helsinki Final Act, a historic document which has, for nearly two decades now, proven invaluable in promoting human rights, democracy, and rule of law in the CSCE participating states. On August 1, 1975, the leaders of then 35 countries gathered in Helsinki, Finland, to sign the Final Act of the Conference on Security and Cooperation in Europe [CSCE]. The Final Act served and continues to serve as a standard against which to measure the human rights record of each of the signatory states. In a very real sense the Helsinki process laid the groundwork for many of the dramatic developments and changes which took place in Europe during the late 1980's. But the euphoria of that period has been tempered by the reality that Europe is still in the process of liberating itself from the legacy of the past; and as old confrontations and divisions fade, new ones threaten to undermine the new era of democracy, peace and unity in Europe following the end of the cold war.

If there is to be a new world order it must be firmly rooted in the fundamental principles and freedoms enshrined in the Helsinki Final Act. While there has been some progress in this regard, there is so much more work to be done. We need look no further than Bosnia, where for over 2 years we have witnessed the destruction of a multicultural society. I recently returned from Sarajevo where I observed firsthand the disastrous consequences of armed aggression and genocide driven by intolerance and fueled by ethnic hatred.

Through indecision and inaction the international community has allowed that situation in Bosnia and Herzegovina to deteriorate to its current state: over 200,000 killed; millions driven from their homes through a campaign of

"ethnic cleansing"; and thousands interned in concentration camps and rape motels. The ethnic cleansing campaigns in northwestern and, most recently, in northeastern Bosnia demonstrate that the Serb militants will not give up territory in light of a peace agreement, but will "purify" those areas which they feel are safely theirs, no matter what.

Nothing, not even genocide, has prompted the kind of resolute action necessary to contain, let alone actively fight, the virus of ethnic hatred and intolerance which has consumed so many in the former Yugoslavia. Any negotiated resolution of war in Bosnia and in neighboring Croatia must fully respect CSCE principles, including respect for the territorial integrity of each. In addition, if justice is to be served, those responsible for crimes against humanity must be prosecuted.

For decades Berlin was the symbol of cold war division. Today, Sarajevo is the symbol of another division in the heart of Europe. As Berliners held out hope that they would one day be united and free, the people of Sarajevo remain steadfast in their hope that it is not too late to resurrect the multiethnic society they worked for years to establish and nurture.

Growing ethnic tensions, civil unrest, and egregious human rights violations, are by no means confined to the Balkans and are a source of continued concern. They remind us of the need to redouble our efforts to safeguard human rights and fundamental freedoms throughout the CSCE community.

In this regard, I note that Uzbekistan's regime continues to flout CSCE commitments by cracking down on opposition activists; the opposition has been completely suppressed or forced into exile by the most brutal methods. Human rights are similarly violated in Turkmenistan, where the regime never even let the opposition develop to the point where its suppression might be necessary. In Tajikistan, where a civil war in 1992–93 killed scores of thousands and made half a million people refugees, the regime, while now negotiating with the opposition, still is not allowing opposition forces to organize.

In Russia, the recently issued anticrime decree contains elements which seriously threaten to undermine human rights. Even more worrying, however, is the report issued last week by the government human rights commission, headed by Sergei Kovalev, former dissident, political prisoner, and colleague of Andrei Sakharov. This report, excerpts of which have been published in the Russian press, details continuing human rights concerns, such as the survival of residence restrictions in Moscow, and the expulsion from the capital last October of thousands of "people of Caucasian nationality."

On a positive note, I welcome the recent agreement between Estonia and the Russian Federation which paves the way for the removal of Russian troops from that Baltic state by the end of this month.

Mr. Speaker, I recently returned from the third CSCE parliamentary assembly where there was considerable debate over recent developments in Turkey and that country's treatment of its Kurdish citizens. While Turkey is a valuable NATO ally and major recipient of United States military and economic assistance, we should not be deterred from voicing serious concerns over the deteriorating human rights situation and the Turkish Government's inability or unwillingness to constructively address abuses.

The Helsinki Commission has always placed particular emphasis on the importance of implementation of CSCE human rights commitments. In recent months the Commission has issued a series of reports on human rights and democratization in countries of Central and Eastern Europe. Additional reports will be issued shortly. This ambitious effort is being undertaken in advance of the upcoming Budapest CSCE review meeting which, among other things, will consider the status of human rights in the now 53 participating states. The Budapest meeting will play an important role in helping to chart the course of the CSCE as it prepares to enter its third decade.

Mr. Speaker, on this, the 19th anniversary of its signing, let us resolve anew to uphold those fundamental principles and freedom enshrined in the Helsinki Final Act.

Mr. PORTER. Mr. Speaker, today marks the 19th anniversary of the day representatives of 33 European nations, Canada and the United States met in Helsinki, Finland to sign the Final Act of the Conference on Security and Cooperation in Europe. The Final Act, better known as the Helsinki Accords, created a framework by which these nations would agree to respect human rights; abide by international law, refrain from military aggression, and respect the borders and sovereignty of their neighbors.

Through the early years of the CSCE, its founding principles represented more of a hope for the future—a statement of principles—than a reality in many member countries. The Communist bloc countries continued to systematically violate the human rights of their people and the Baltics and a number of eastern and central European countries remained occupied.

Today, however, the full promise of the CSCE is beginning to be met and CSCE has been an active part in this transformation. The group of signatory nations has grown to over 50, including the New Independent States of the former Soviet Union, the Baltics, and the other new nations of Europe.

Although the cold war is over, the work of the CSCE is not. It can now play a critical role in helping to address the issues facing post-cold-war Europe, such as the tensions over nationality which have arisen most notably in the former Yugoslavia and in newly independent countries of the CIS. The CSCE can also develop its role to ensure the full implementation of human rights guarantees in each of the more than 50 member countries. The task of the Helsinki process should now be to make irreversible the Democratic advancements that have been made in eastern Europe and the former Soviet Union and to consolidate mechanisms for preventing conflict and preserving peace throughout Europe.

Because the CSCE process has been such a useful forum to monitor international compliance to the Helsinki Accords, I believe that model of the Helsinki Commission should be applied to other international agreements. For this reason, I have introduced legislation to create a Rio Commission. The Rio Commission would oversee progress toward the policy goals produced at the United Nations Conference on Environment and Development [UNCED] in Rio de Janeiro in June. Like the Helsinki Commission, the Rio Commission would be composed of Members of Congress and the executive branch and would keep track of how the United States and UNCED conferees are implementing the commitments they made at the Earth Summit to achieve environmental protection and sustainable development. It is my hope that, by establishing a Rio Commission, we will make as much progress on Earth Summit goals as we have made on the commitments that were included in the Helsinki Accords.

I am pleased to join my colleague, Representative HOYER, Chairman of the Helsinki Commission, in marking the anniversary of the signing of the Helsinki Accords and I urge the adoption of this resolution.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 195.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENCE BY THE HOUSE WITH AMENDMENTS TO SENATE AMENDMENTS TO H.R. 4429, AUTHORIZING TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 499), providing for the concurrence by the House with amendments to the amendments of the Senate to H.R. 4429.

The Clerk read as follows:

H. RES. 499

Resolved, That upon the adoption of this resolution the bill (H.R. 4429) (to authorize the transfer of naval vessels to certain foreign countries) with the Senate amendments thereto, shall be considered to have been taken from the Speaker's table to the end that—

(1) the Senate amendments numbered 1 through 11 be, and the same are hereby, agreed to; and

(2) the Senate amendment number 12 be, and the same is hereby, agreed to with an amendment as follows:

(A) Page 2, beginning on line 13, strike "or any other provision of law".

(B) Page 3, strike line 3 and all that follows through line 9.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as approved by the House on May 23, H.R. 4429 authorizes the transfer of 17 naval vessels through 2 sales, 1 grant, and 14 leases to Argentina, Australia, Brazil, Chile, Malaysia, Morocco, Spain, Venezuela, and Taiwan.

As amended by the other body, H.R. 4429 authorizes the transfer of only 7 naval vessels rather than 17 through 2 sales, 1 grant, and 4 leases to Australia, Brazil, Morocco, and Spain.

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The other body included two additional amendments that require the Secretary of Defense to certify that the amphibious lift capability of the U.S. Navy will remain at 2½ Marine Corps expeditionary brigades, and dedicated the proceeds received from these transfers to the Naval Operations and Maintenance account. The other body approved H.R. 4429 by voice vote on July 15.

This resolution provides that the House concur in the Senate amendments to H.R. 4429 with further amendments. The House amendment deletes the use of proceeds section that was approved by the other body. In other words, moneys from sales and leases will go to the U.S. Treasury, not Naval Operations and Maintenance.

The House amendment limits the certification required by the Senate to vessels transferred under this act. The House is taking this action because it is the best way to support the administration's request. It does not violate the Balanced Budget and Emergency Deficit Control Act and it continues to serve as a money earner and saver for the U.S. Treasury, and money multiplier for U.S. Navy and commercial shipyards.

Mr. Speaker, we should approve this resolution. It is the right way to proceed with legislation governing the transfer of naval vessels.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Chairman HAMILTON has indicated, the House originally passed this legislation on May 23 by voice vote. On July 15, the Senate passed the legislation after making a number of changes and sent the legislation back to the House. Today, the House is agreeing with the Senate modifications in large part and sending the legislation back to the Senate for its consideration.

As passed originally by the House, the purpose of this legislation was to authorize the transfer of 17 ships to 9 countries—Argentina, Australia, Brazil, Chile, Malaysia, Morocco, Spain, Taiwan, and Venezuela. The proposed transfers involve *Knox*-class frigates and *Newport*-class tank landing ships.

The Senate reduced the number of ships available for transfer from 17 to 7. The seven ships authorized to be transferred under this legislation, include five *Newport*-class tank landing ships and two *Knox*-class frigates, which are available for Australia, Brazil, Morocco, and Spain. Additionally, the Senate directed the Secretary of Defense to make certain certifications regarding amphibious lift capability before any naval vessels can be transferred.

Finally, the Senate mandated that the proceeds from the sales and leases of the seven ships should go directly to the Department of the Navy. This provision is being deleted pursuant to House action today. The committee believes strongly that instead proceeds from this legislation should flow directly to general receipts of the Treasury.

Of the seven ships, the United States intends to sell two of these vessels to Australia pursuant to chapter 21 of the Arms Export Control Act and grant one of the ships to Morocco pursuant to section 516 of the Foreign Assistance Act. These three ships will not remain on the U.S. Naval Vessel Register.

All of the remaining four ships, the United States intends to transfer pursuant to chapter 6 of the AECA. During their lease periods, these four ships will be retained on the U.S. Naval Vessel Register while under the operational command and control of the designated foreign recipients. Under the lease terms, the United States may terminate the leases and have the vessels returned to U.S. custody should the need arise.

All of the *Newport* tank landing ships authorized for transfer under this legislation remain in active service and would be transferred directly to the foreign countries once they are decommissioned.

The United States would incur no costs for the transfer of these naval vessels. Any expenses incurred in connection with the transfers would be charged to the recipient nation including maintenance, repair and reactivation costs, and training.

The U.S. Government will receive between $25.9 million and $33.6 million in sales and lease revenues as a result of this legislation. Further, by transferring these ships, the United States will avoid $10.5 million in deactivation and storage costs. In addition, it is anticipated that the recipient countries will pay U.S. shipyards between $5 and $30 million for repair and reactivation work on these ships.

I understand that the changes being made by the House in this legislation are acceptable to the other body and we look forward to their expeditious consideration of this legislation.

Accordingly, Mr. Speaker, I urge my colleagues to support this measure. It advances the valuable, cooperative relationships the United States has established with each of these nations' navies and manages to save U.S. taxpayers a significant amount of money at the same time.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SANGMEISTER). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, House Resolution 499.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2826, Senate Joint Resolution 195, and House Resolution 499, which were just considered and adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AUTHORIZING CERTAIN ELEMENTS OF YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1690) to authorize certain elements of the Yakima River Basin water enhancement project, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

The purposes of this Act are—

(1) to protect, mitigate, and enhance fish and wildlife through improved water management; improved instream flows; improved water quality; protection, creation and enhancement of wetlands; and by other appropriate means of habitat improvement;

(2) to improve the reliability of water supply for irrigation;

(3) to authorize a Yakima River basin water conservation program that will improve the efficiency of water delivery and use; enhance basin water supplies; improve water quality; protect, create and enhance wetlands; and determine the amount of basin water needs that can be met by water conservation measures;

(4) to realize sufficient water savings from the Yakima River Basin Water Conservation Program so that not less than 40,000 acre-feet of water savings per year are achieved by the end of the fourth year of the Basin Conservation

Program, and not less than 110,000 acre-feet of water savings per year are achieved by the end of the eighth year of the program, to protect and enhance fish and wildlife resources; and not less than 55,000 acre feet of water savings per year are achieved by the end of the eighth year of the program for availability for irrigation;

(5) to encourage voluntary transactions among public and private entities which result in the implementation of water conservation measures, practices, and facilities; and

(6) to provide for the implementation by the Yakama Indian Nation at its sole discretion of (A) an irrigation demonstration project on the Yakama Indian Reservation using water savings from system improvements to the Wapato Irrigation Project, and (B) a Toppenish Creek corridor enhancement project integrating agricultural, fish, wildlife, and cultural resources.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Basin Conservation Plan" means a plan for implementing water conservation measures found in the various water conservation plans developed under the Basin Conservation Program.

(2) The term "Basin Conservation Program" means the Yakima River Basin Water Conservation Program established under section 3(a).

(3) The term "comprehensive basin operating plan" means a plan that will provide guidance to the Yakima Project Superintendent for operation of the existing Yakima Project as modified by actions taken pursuant to this Act.

(4) The term "Conservation Advisory Group" means the Yakima River Basin Conservation Advisory Group established under section 3(c).

(5) The term "conserved water" means water saved and attributable to the program established under the Basin Conservation Program.

(6) The term "Irrigation Demonstration Project" means the Yakama Indian Reservation Irrigation Demonstration Project authorized in section 4(b).

(7) The term "nonproratable water" means that portion of the total water supply available under provisions of sections 18 and 19 of Civil Action No. 21 (Federal District Court Judgment of January 31, 1945) that is not subject to proration in times of water shortage.

(8) The term "on-district storage" means small water storage facilities located within the boundaries of an irrigation entity, including reregulating reservoirs, holding ponds, or other new storage methods which allow for efficient water use.

(9) The term "proratable water" means that portion of the total water supply available under provisions of sections 18 and 19 of Civil Action No. 21 (Federal District Court Judgment of January 31, 1945) that is subject to proration in times of water shortage.

(10) The term "Secretary" means the Secretary of the Interior.

(11) The term "System Operations Advisory Committee" means a group of fishery biologists—

(A) created by the Yakima Project Superintendent in response to the supplemental instructions entitled "Supplementary Instructions to the Water Master", and dated November 28, 1980, in the case of Kittitass Reclamation District, et al. vs. the Sunnyside Valley Irrigation District, et al. (E.D. Wash., Civil No. 21.);

(B) who advise the Yakima Project Superintendent on operations of the Yakima Project for fish and wildlife purposes; and

(C) who, together with others, were identified for consultation on November 29, 1990, in the amended partial summary judgment entered in the basin adjudication (Yakima County Superior Court No. 77-2-01484-5).

(12) The term "Toppenish Enhancement Project" means the Toppenish Creek corridor enhancement project authorized by section 4(c).

(13) The term "Yakama Indian Nation" means the Confederated Tribes and Bands of the Yakama Indian Nation as redesignated under section 4(g).

(14) The term "Yakima Project Superintendent" means the individual designated by the Regional Director, Pacific Northwest Region, Bureau of Reclamation, to be responsible for the operation and management of the Yakima Federal Reclamation Project, Washington.

SEC. 3. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

(a) ESTABLISHMENT.—(1) The Secretary, in consultation with the State of Washington, the Yakama Indian Nation, Yakima River basin irrigators, and other interested parties, shall establish and administer a Yakima River Basin Water Conservation Program for the purpose of evaluating and implementing measures to improve the availability of water supplies for irrigation and the protection and enhancement of fish and wildlife resources, including wetlands, while improving the quality of water in the Yakima Basin. The Secretary may make grants to eligible entities for the purposes of carrying out this Act under such terms and conditions as the Secretary may require. Such terms and conditions shall include a requirement that all water districts, irrigation districts, individuals, or other entities eligible to participate in the Basin Conservation Program must equip all surface water delivery systems within their boundaries with volumetric water meters or equally effective water measuring methods within 5 years of the date of enactment of this Act.

(2) Conserved water resulting in whole or in part from the expenditure of Federal funds shall not be used to expand irrigation in the Yakima Basin, except as specifically provided in section 4(a)(3) on the Yakama Indian Reservation.

(3) The provisions of this section shall not apply to the Yakama Indian Nation except as to any funds specifically applied for from the Basin Conservation Program.

(b) FOUR PHASES OF PROGRAM.—The Basin Conservation Program shall encourage and provide funding assistance for four phases of water conservation, which shall consist of the following:

(1) The development of water conservation plans, consistent with applicable water conservation guidelines of the Secretary, by irrigation districts, conservation districts, water purveyors, other areawide entities, and individuals not included within an areawide entity.

(2) The investigation of the feasibility of specific potential water conservation measures identified in conservation plans.

(3) The implementation of measures that have been identified in conservation plans and have been determined to be feasible.

(4) Post implementation monitoring and evaluation of implemented measures.

(c) CONSERVATION ADVISORY GROUP.—(1) Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the State of Washington, the Yakama Indian Nation, Yakima River basin irrigators, and other interested and related parties, shall establish the Yakima River Basin Conservation Advisory Group.

(2) Members of the Conservation Advisory Group shall be appointed by the Secretary and shall be comprised of—

(A) one representative of the Yakima River basin nonproratable irrigators,

(B) one representative of the Yakima River basin proratable irrigators,

(C) one representative of the Yakama Indian Nation,

(D) one representative of environmental interests,

(E) one representative of the Washington State University Agricultural Extension Service,

(F) one representative of the Department of Wildlife of the State of Washington, and

(G) one individual who shall serve as the facilitator.

(3) The Conservation Advisory Group shall—

(A) provide recommendations to the Secretary and to the State of Washington regarding the structure and implementation of the Basin Conservation Program,

(B) provide recommendations to the Secretary and to the State of Washington regarding the establishment of a permanent program for the measurement and reporting of all natural flow and contract diversions within the basin.

(C) structure a process to prepare a basin conservation plan as specified in subsection (f),

(D) provide annual review of the implementation of the applicable water conservation guidelines of the Secretary, and

(E) provide recommendations consistent with statutes of the State of Washington on rules, regulations, and administration of a process to facilitate the voluntary sale or lease of water.

(4) The facilitator shall arrange for meetings of the Conservation Advisory Group, provide logistical support, and serve as moderator for the meetings.

(5) The Conservation Advisory Group shall consult an irrigation district when considering actions specifically affecting that district. For the purposes of this paragraph, an irrigation district includes the Yakima Reservation Irrigation District.

(6) The Conservation Advisory Group shall be nonvoting, seeking consensus whenever possible. If disagreement occurs, any member may submit independent comments to the Secretary. The Conservation Advisory Group shall terminate 5 years after the date of its establishment unless extended by the Secretary.

(d) COST SHARING.—(1) Except as otherwise provided by this Act, costs incurred in the four phases of the Basin Conservation Program shall be shared as follows:

Program Phase	Non-Federal		Federal Grant
	State Grant	Local	
1. Development of water conservation plans	50% but not more than $200,000 per recipient	(Residual amount if any)	50%
2. Investigation of specific water conservation measures	50% but sum of 1 and 2 not greater than $200,000 per recipient	20% after deducting State funds for Item 2	Residual amount after deducting State and local funds for Item 2
3 and 4. Implementation and post implementation monitoring and evaluation	17.5%	17.5%	65.0%

(2) The Yakima River Basin Water Enhancement Project is a Federal action to improve streamflow and fish passage conditions and shall be considered part of a comprehensive program to restore the Yakima River basin anadromous fishery resource. Related fishery resource improvement facilities which utilize funding sources under the Pacific Northwest Electric Power Planning and Conservation Act of 1989 (94 Stat. 2697) and independent water-related improvements of the State of Washington and other public and private entities to improve irrigation water use, water supply, and water quality, shall be treated as non-Federal cost share expenditures and shall be consolidated in any final calculation of required cost sharing. Within one year of the date of enactment of this Act,

the Secretary shall enter into a binding cost sharing agreement with the State of Washington. The agreement shall describe the terms and conditions of specific contributions and other activities that may, subject to approval by the Secretary, qualify as non-Federal cost share expenditures.

(3) Costs of the Basin Conservation Program related to projects on the Yakama Indian Reservation are a Federal responsibility and shall be nonreimbursable and not subject to the cost-sharing provisions of this subsection.

(e) ENTITY WATER CONSERVATION PLANS.—To participate in the Conservation Basin Program an entity must submit a proposed water conservation plan to the Secretary. The Secretary shall approve a water conservation plan submitted under this subsection if the Secretary determines that the plan meets the applicable water conservation guidelines of the Secretary.

(f) BASIN CONSERVATION PLAN.—The Conservation Advisory Group shall, within 2½ years after the date of enactment of this Act, submit a draft basin conservation plan to the Secretary.

(g) PUBLIC COMMENT.—The Secretary shall distribute the draft basin conservation plan and the entity water conservation plans submitted under subsections (e) and (f), respectively, for public comment for a 60-day period.

(h) PUBLICATION OF BASIN CONSERVATION PLAN.—Within 60 days after the close of the comment period under subsection (g), the Secretary shall publish the Basin Conservation Plan which plan will provide the basis—

(1) for prioritizing and allocating funds to implement conservation measures under this Act; and

(2) for preparing an interim comprehensive basin operating plan under section 10 of this Act as provided for in Public Law 96-162 (93 Stat. 1241).

(i) CONSERVATION MEASURES.—(1) Measures considered for implementation in the Basin Conservation Program may include, among others, conveyance and distribution system monitoring, automation of water conveyance systems, water measuring or metering devices and equipment, lining and piping of water conveyance and distribution systems, on-district storage, electrification of hydraulic turbines, tail-water recycling, consolidation of irrigation systems, irrigation scheduling, and improvement of on-farm water application systems. Basin Conservation Program funds may also be used throughout all four phases of the Basin Conservation Program to mitigate for adverse impacts of program measures.

(2) In addition to implementing existing technologies, the Secretary shall encourage the testing of innovative water conservation measures. The Secretary shall, to the maximum extent possible under applicable Federal, State, and tribal law, cooperate with the State of Washington to facilitate water and water right transfers, water banking, dry year options, the sale and leasing of water, and other innovative allocation tools used to maximize the utility of existing Yakima River basin water supplies.

(3) The Secretary may, consistent with applicable law, use funds appropriated to carry out this section for the purchase or lease of land, water, or water rights from any entity or individual willing to limit or forego water use on a temporary or permanent basis. Funds used for purchase or lease under this paragraph are not subject to the cost sharing provisions of subsection (d). Efforts to acquire water should be made immediately upon availability of funds to meet the three-year goal specified in section 5(a)(4) to provide water to be used by the Yakima Project Superintendent under the advisement of the System Operations Advisory Committee for instream flow purposes. The use of Basin Conservation Program funds under this paragraph are in addition to those specifically authorized to be appropriated by subsection (j)(4).

(4) On-farm water management improvements shall be coordinated with programs administered by the Secretary of Agriculture and State conservation districts.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary, at September 1990 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes, the following amounts for the Basin Conservation Program:

(1) $1,000,000 for the development of water conservation plans.

(2) $4,000,000 for investigation of specific potential water conservation measures identified in conservation plans for consideration for implementing through the Basin Conservation Program.

(3) Up to $67,500,000 for design, implementation, post-implementation monitoring and evaluation of measures, and addressing environmental impacts.

(4) Up to $10,000,000 for the initial acquisition of water from willing sellers or lessors specifically to provide instream flows for interim periods to facilitate the outward migration of anadromous fish flushing flows. Such funds shall not be subject to the cost sharing provisions of subsection (d).

(5) $100,000 annually for the establishment and support of the Conservation Advisory Group during its duration. Such funds shall be available for travel and per diem, rental of meeting rooms, typing, printing and mailing, and associated administrative needs. The Secretary and the State of Washington shall provide appropriate staff support to the Conservation Advisory Group.

SEC. 4. YAKAMA INDIAN NATION.

(a) WAPATO IRRIGATION PROJECT IMPROVEMENTS AND APPROPRIATIONS.—(1) The Yakama Indian Nation's proposed system improvements to the Wapato Irrigation Project, as well as the design, construction, operation, and maintenance of the Irrigation Demonstration Project and the Toppenish Creek corridor enhancement project, pursuant to this Act shall be coordinated with the Bureau of Indian Affairs.

(2) There is authorized to be appropriated to the Secretary not more than $23,000,000 for the preparation of plans, investigation of measures, and following the Secretary's certification that such measures are consistent with the water conservation objectives of this Act, the implementation of system improvements to the Wapato Irrigation Project. Funding for further improvements within the Wapato Irrigation Project may be acquired under the Basin Conservation Program or other sources identified by the Yakama Indian Nation.

(3) Water savings resulting from irrigation system improvements shall be available for the use of the Yakama Indian Nation for irrigation and other purposes on the reservation and for protection and enhancement of fish and wildlife within the Yakima River basin. The conveyance of such water through irrigation facilities other than the Wapato Irrigation Project shall be on a voluntary basis and shall not further diminish the amount of water that otherwise would have been delivered by an entity to its water users in years of water proration.

(b) IRRIGATION DEMONSTRATION PROJECT APPROPRIATIONS.—(1)(A) There is hereby authorized to be appropriated to the Secretary—

(i) at September 1990 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes, $8,500,000 for the design and construction of the Yakama Indian Reservation Irrigation Demonstration Project; and

(ii) such sums as may be necessary for the operation and maintenance of the Irrigation Demonstration Project, including funds for administration, training, equipment, materials, and supplies for the period specified by the Secretary, which sums are in addition to operation and maintenance funds for wildlife and cultural purposes appropriated to the Secretary under other authorization.

(B) Funds may not be made available under this subsection until the Yakama Indian Nation obtains the concurrence of the Secretary in the construction, management, and administrative aspects of the Irrigation Demonstration Project.

(C) After the end of the period specified under subparagraph (A)(ii), costs for the operation and maintenance of the Irrigation Demonstration Project, including funds for administration, training, equipment, materials, and supplies referred to in that subparagraph, shall be borne exclusively by the lands directly benefitting from the Irrigation Demonstration Project.

(2) The Irrigation Demonstration Project shall provide for the construction of distribution and on-farm irrigation facilities to use all or a portion of the water savings, as determined by the Yakama Indian Nation, resulting from the Wapato Irrigation Project system improvements for—

(A) demonstrating cost-effective state of the art irrigation water management and conservation,

(B) the training of tribal members in irrigation methods, operation, and management, and

(C) upgrading existing hydroelectric facilities and construction of additional hydroelectric facilities on the reservation to meet irrigation pumping power needs.

(c) TOPPENISH CREEK CORRIDOR ENHANCEMENT PROJECT APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary $1,500,000 for the further investigation by the Yakama Indian Nation of measures to develop a Toppenish Creek corridor enhancement project to demonstrate integration of management of agricultural, fish, wildlife, and cultural resources to meet tribal objectives and such amount as the Secretary subsequently determines is necessary for implementation. There is also authorized to be appropriated to the Secretary such sums as may be necessary for the operation and maintenance of the Toppenish Enhancement Project.

(d) REPORT.—Within 5 years of the implementation of the Irrigation Demonstration Project and the Toppenish Enhancement Project, the Secretary, in consultation with the Yakama Indian Nation, shall report to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Governor of the State of Washington on the effectiveness of the conservation, training, mitigation, and other measures implemented.

(e) STATUS OF IMPROVEMENTS AND FACILITIES.—The Wapato Irrigation Project system improvements and any specific irrigation facility of the Irrigation Demonstration Project (excluding on-farm irrigation facilities) and the Toppenish Enhancement Project shall become features of the Wapato Irrigation Project.

(f) TREATMENT OF CERTAIN COSTS.—Costs related to Wapato Irrigation Project improvements, the Irrigation Demonstration Project, and the Toppenish Enhancement Project shall be a Federal responsibility and are nonreimbursable and nonreturnable.

(g) REDESIGNATION OF YAKIMA INDIAN NATION TO YAKAMA INDIAN NATION.—

(1) REDESIGNATION.—The Confederated Tribes and Bands of the Yakima Indian Nation shall be known and designated as the "Confederated Tribes and Bands of the Yakama Indian Nation".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Confederated Tribes and Bands of the Yakima Indian Nation referred to in subsection (a) shall be deemed to be a reference to the "Confederated Tribes and Bands of the Yakama Indian Nation".

SEC. 5. OPERATION OF YAKIMA BASIN PROJECTS.

(a) WATER SAVINGS FROM BASIN CONSERVATION PROGRAM.—(1) The Basin Conservation Program is intended to result in reductions in water diversions allowing for changes in the present operation of the Yakima Project to improve stream flow conditions in the Yakima River basin. Except as provided by paragraph (5) of this subsection and section 9, commencing with the enactment of this Act, and notwithstanding that anticipated water savings are yet to be realized, the Secretary, upon the enactment of this Act and acting through the Yakima Project Superintendent, shall (A) continue to estimate the water supply which is anticipated to be available to meet water entitlements; and (B) provide instream flows in accordance with the following criteria:

Water Supply Estimate for Period (million acre feet):				Target Flow from Date of Estimate thru October Downstream of (cubic feet per second):	
April thru September	May thru September	June thru September	July thru September	Sunnyside Diversion Dam	Prosser Diversion Dam
(1) 3.2	2.9	2.4	1.9	600	600
(2) 2.9	2.65	2.2	1.7	500	500
(3) 2.65	2.4	2.0	1.5	400	400
Less than line 3 water supply				300	300

(2) The initial target flows represent target flows at the respective points. Reasonable fluctuations from these target flows are anticipated in the operation of the Yakima Project, except that for any period exceeding 24 hours—

(A) actual flows at the Sunnyside Diversion Dam may not decrease to less than 65 percent of the target flow at the Sunnyside Diversion Dam; and

(B) actual flows at the Prosser Diversion Dam may not decrease by more than 50 cubic feet per second from the target flow.

(3) The instream flows shall be increased for interim periods during any month of April through October to facilitate when necessary the outward migration of anadromous fish. Increased instream flows for such interim periods shall be obtained through voluntary sale and leasing of water or water rights or from conservation measures taken under this Act.

(4)(A)(i) Within the three-year period beginning when appropriations are first provided to carry out the Basin Conservation Program, the instream flow goal in the Yakima River is as follows: to secure water which is to be used for instream flows to facilitate meeting recommendations of the System Operations Advisory Committee for flushing flows or other instream uses.

(ii) In addition to any other authority of the Secretary to provide water for flushing flows, the water required to meet the goal specified in clause (i) shall be acquired through the voluntary purchase or lease of land, water, or water rights and from the development of additional storage capability at Lake Cle Elum provided for in section 6(a).

(iii) In addition to water required to meet the instream flow goal specified in clause (i), the System Operations Advisory Committee may recommend additional water to meet instream flow goals pursuant to judicial actions.

(B) After the period referred to in subparagraph (A), such instream flow goal is modified as follows:

(i) The goal increases so that the instream target flows specified in the table in paragraph (1) increase by 50 cubic feet per second for each 27,000 acre-feet of reduced annual water diversions achieved through implementation of measures under the Basin Conservation Program. Such increases do not apply to actions taken pursuant to section 4. Such increases shall not further diminish the amount of water that otherwise would have been delivered by an entity to its water users in years of water proration.

(ii) The goal changes directly with the availability of water resulting from Federal expenditures under this Act for purchase or lease of water under this Act.

(C) The Yakima Project Superintendent shall maintain an account of funded and completed conservation measures taken under the Basin Conservation Program.

(D) No later than March 31 of each calendar year, the Yakima Project Superintendent shall meet with the State of Washington, Yakama Indian Nation, and Yakima River basin irrigators to mutually determine total diversion reductions and respective adjustments to the target flows referred to in this subsection. The Yakima Project Superintendent shall announce such adjustments with the announcements of Total Water Supply Available. For the purposes of this subparagraph, conserved water will be considered available for adjusting target flows in the first year following completion of a measure or following a result from the post implementation monitoring and evaluation program, as the case may be.

(5) Operational procedures and processes in the Yakima River basin which have or may be implemented through judicial actions shall not be impacted by this Act.

(6)(A) Within three years after the date of enactment of this Act, the Secretary shall conduct a study and submit a report with recommendations to the appropriate committees of the Congress on whether the water supply available for irrigation is adequate to sustain the agricultural economy of the Yakima River basin.

(B) The target flows provided for under this subsection shall be evaluated within three years after the date of enactment of this Act by the Systems Operations Advisory Committee for the purpose of making a report with recommendations to the Secretary and the Congress evaluating what is necessary to have biologically-based target flows.

(C) The recommendations and reports under subparagraphs (A) and (B) shall provide a basis for the third phase of the Yakima River Basin Water Enhancement Project.

(b) WATER FROM LAKE CLE ELUM.—Water accruing from the development of additional storage capacity at Lake Cle Elum, made available pursuant to the modifications authorized in section 6(a), shall not be part of the Yakima River basin's water supply as provided in subsection (a)(1). Water obtained from such development is exclusively dedicated to instream flows for use by the Yakima Project Superintendent as flushing flows or as otherwise advised by the System Operations Advisory Committee. Water may be carried over from year-to-year in the additional capacity to the extent that there is space available. Releases may be made from other Yakima Project storage facilities to most effectively utilize this additional water, except that water deliveries to holders of existing water rights shall not be impaired.

(c) STATUS OF BASIN CONSERVATION PROGRAM FACILITIES.—Measures of the Basin Conservation Program which are implemented on facilities currently under the administrative jurisdiction of the Secretary, except as provided in section 4, shall be considered features of the Yakima River Basin Water Enhancement Project, and their operation and maintenance shall be integrated and coordinated with other features of the existing Yakima Project. The responsibility for operation and maintenance and the related costs shall remain with the current operating entity. As appropriate, the Secretary shall incorporate the operation and maintenance of such facilities into existing agreements. The Secretary shall assure that such facilities are operated in a manner consistent with Federal and State law and in accordance with water rights recognized pursuant to State and Federal law.

(d) WATER ACQUIRED BY PURCHASE AND LEASE.—Water acquired from voluntary sellers and lessors shall be administered as a block of water separate from the Total Water Supply Available, in accordance with applicable Federal and State law.

(e) YAKIMA PROJECT PURPOSE.—(1) An additional purpose of the Yakima Project shall be for fish, wildlife, and recreation.

(2) The existing storage rights of the Yakima Project shall include storage for the purposes of fish, wildlife, and recreation.

(3) The purposes specified in paragraphs (1) and (2) shall not impair the operation of the Yakima Project to provide water for irrigation purposes nor impact existing contracts.

SEC. 6. LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.

(a) MODIFICATIONS AND IMPROVEMENTS.—There is hereby authorized to be appropriated to the Secretary—

(1) at September 1990 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuation of applicable indexes, $2,934,000 to—

(A) modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity in Lake Cle Elum,

(B) provide for shoreline protection of Lake Cle Elum, and

(C) construct juvenile fish passage facilities at Cle Elum Dam, plus

(2) such additional amounts as may be necessary which may be required for environmental mitigation.

(b) OPERATION AND MAINTENANCE APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary such sums as may be necessary for that portion of the operation and maintenance of Cle Elum Dam determined by the Secretary to be a Federal responsibility.

SEC. 7. ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.

(a) GENERAL PROVISIONS.—The following shall be applicable to the investigation and implementation of measures to enhance water supplies for fish and wildlife and irrigation purposes on tributaries of the Yakima River basin:

(1) An enhancement program authorized by this section undertaken in any tributary shall be contingent upon the agreement of appropriate water right owners to participate.

(2) The enhancement program authorized by this section shall not be construed to affect (A) the water rights of any water right owners in the tributary or other water delivering entities; (B) the capability of tributary water users to divert, convey, and apply water; and (C) existing water and land uses within the tributary area.

(3) The water supply for tributary enhancement shall be administered in accordance with applicable State and Federal laws.

(4) Any enhancement program authorized by this section shall be predicated upon the availability of a dependable water supply.

(b) STUDY.—(1) The Secretary, following consultation with the State of Washington, the tributary water right owners, and the Yakama Indian Nation, and agreement of appropriate

water right owners to participate, shall conduct a study concerning the measures that can be implemented to enhance water supplies for fish and wildlife and irrigation purposes on Taneum Creek, including (but not limited to)—

(A) water use efficiency improvements;

(B) the conveyance of water from the Yakima Project through the facilities of any irrigation entity willing to contract with the Secretary without adverse impact to water users;

(C) the construction, operation, and maintenance of ground water withdrawal facilities;

(D) contracting with any entity that is willing to voluntarily limit or forego present water use through lease or sale of water or water rights on a temporary or permanent basis;

(E) purchase of water rights from willing sellers; and

(F) other measures compatible with the purposes of this Act, including restoration of stream habitats.

(2) In conducting the Taneum Creek study, the Secretary shall consider—

(A) the hydrologic and environmental characteristics;

(B) the engineering and economic factors relating to each measure; and

(C) the potential impacts upon the operations of present water users in the tributary and measures to alleviate such impacts.

(3) The Secretary shall make available to the public for a 45-day comment period a draft report describing in detail the findings, conclusions, and recommendations of the study. The Secretary shall consider and include any comment made in developing a final report. The Secretary's final report shall be submitted to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Governor of the State of Washington, and made available to the public.

(c) IMPLEMENTATION OF NONSTORAGE MEASURES.—After securing the necessary permits the Secretary may, in cooperation with the Department of Ecology of the State of Washington and in accordance with the laws of the State of Washington, implement nonstorage measures identified in the final report under subsection (b) upon fulfillment of the following conditions:

(1) The Secretary shall enter into an agreement with the appropriate water right owners who are willing to participate, the State of Washington, and the Yakama Indian Nation, for the use and management of the water supply to be provided by proposed tributary measures pursuant to this section.

(2) The Secretary and the State of Washington find that the implementation of the proposed tributary measures will not impair the water rights of any person or entity in the affected tributary.

(d) OTHER YAKIMA RIVER BASIN TRIBUTARIES.—Enhancement programs similar to the enhancement program authorized by this section may be investigated and implemented by the Secretary in other tributaries contingent upon the agreement of the appropriate tributary water right owners to participate. The provisions set forth in this section shall be applicable to such programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated to the Secretary $500,000 for the study of the Taneum Creek Project and such amount as the Secretary subsequently determines is necessary for implementation of tributary measures pursuant to this section.

(2) There is also authorized to be appropriated to the Secretary such funds as are necessary for the investigation of enhancement programs similar to the enhancement program authorized by this section in other Yakima River basin tributaries contingent upon the agreement of the appropriate water right owners to participate. Funds for the implementation of any such similar enhancement program may not be appropriated until after the Secretary submits an investigation report to the appropriate congressional committees.

SEC. 8. CHANDLER PUMPING PLANT AND POWERPLANT-OPERATIONS AT PROSSER DIVERSION DAM.

(a) AUTHORIZATION OF APPROPRIATIONS FOR ELECTRIFICATION.—In order to provide for electrification to enhance instream flows by eliminating the need to divert water to operate the hydraulic turbines which pump water to the Kennewick Irrigation District, there is authorized to be appropriated—

(1) $50,000 to conduct an assessment of opportunities for alternative pumping plant locations;

(2) $4,000,000 for construction; and

(3) such sums as may be necessary for the prorata share of the operation and maintenance allocated to fish and wildlife as determined by the Secretary.

(b) POWER FOR PROJECT PUMPING.—The Administrator of the Bonneville Power Administration, consistent with provisions of the Columbia River Basin Fish and Wildlife Program established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697), shall provide for project power needed to effect the electrification as provided in subsection (a). The cost of power shall be credited to fishery restoration goals of the Columbia River Basin Fish and Wildlife Program.

(c) SUBORDINATION.—Any diversions for hydropower generation at the Chandler Powerplant shall be subordinated to meet the flow targets determined under subsection (f).

(d) WATER SUPPLY FOR KENNEWICK IRRIGATION DISTRICT.—The Secretary shall ensure that the irrigation water supply for the Kennewick Irrigation District shall not be affected by conservation, electrification, or subordination pursuant to this Act and any reduction in its irrigation water supply resulting from conservation measures adopted or implemented by other entities pursuant to this Act shall be replaced by water developed through subordination, electrification, or a combination of the two.

(e) TREATMENT OF CERTAIN FUNDS.—Funds appropriated and project power provided pursuant to this section shall be nonreimbursable since such funds are used for fish and wildlife purposes and such funds are not subject to cost share under section 3(d).

(f) TARGET FLOWS.—Target flows measured at appropriate biological and hydrological location or locations shall be determined by the Yakima Project Superintendent in consultation with the System Operations Advisory Committee.

SEC. 9. AUGMENTATION OF KACHESS RESERVOIR STORED WATER.

(a) AUTHORIZATION OF APPROPRIATIONS.—In order to augment Kachess Reservoir stored water supplies from flows of Cabin Creek and Silver Creek which are excess to system demands, there is authorized to be appropriated—

(1) such sums as may be necessary to carry out a feasibility study, including the benefits, costs, and environmental aspects, of the facility described in paragraph (2);

(2) for the construction of facilities to convey such flows to Kachess Reservoir, $20,000,000; and

(3) such sums as may be necessary for the pro rata share of the operation and maintenance allocated to fish and wildlife determined by the Secretary.

(b) LIMITATION.—Construction of the facilities described in subsection (a)(2) is contingent on the completion of the feasibility study referred to in subsection (a)(1).

(c) USE OF ADDITIONAL WATER.—The stored water supply resulting from the construction of facilities under this section shall be used by the Secretary to—

(1) enhance the water supply available to the Kittitas Reclamation District and the Roza Irrigation District in years of proration; and

(2) facilitate reservoir operations in the Easton Dam to Keechelus Dam reach of the Yakima River for the propagation of anadromous fish.

(d) TREATMENT OF COSTS.—The construction and operation and maintenance costs of the facilities under this section shall be allocated to irrigation and fishery enhancement, as follows:

(1) The portion of such costs allocated to irrigation is reimbursable, with the construction costs to be paid prior to initiation of construction by the Kittitas Reclamation District and the Roza Irrigation District.

(2) The portion of such costs allocated to fishery enhancement is nonreimbursable.

(e) KACHESS DAM MODIFICATIONS.—There is authorized to be appropriated $2,000,000 for the modification of the discharge facilities of Kachess Dam to improve reservoir operations for anadromous fish enhancement. Amounts appropriated under this subsection are nonreimbursable.

SEC. 10. INTERIM COMPREHENSIVE BASIN OPERATING PLAN.

(a) DEVELOPMENT.—The Secretary shall, in consultation with the State of Washington, Yakama Indian Nation, Yakima River Basin irrigation districts, Bonneville Power Administration, and other entities as determined by the Secretary, develop an interim comprehensive operating plan for providing a general framework within which the Yakima Project Superintendent operates the Yakima Project, including measures implemented under the Yakima River Basin Water Enhancement Project, including (but not limited to)—

(1) operating capability and constraints of the system;

(2) information on water supply calculations and water needs;

(3) system operations and stream flow objectives; and

(4) the System Operations Advisory Committee activities.

(b) PROCESS REQUIREMENTS.—A draft of the interim comprehensive basin operating plan shall be completed within 18 months after the completion of the Basin Conservation Plan under section 3(f) and, upon completion, published for a 90-day public review period. The Secretary shall complete and publish the final interim comprehensive operating plan within 90 days after the close of the public review period. The Secretary shall update the plan as needed to respond to decisions from water adjudications relating to the Yakima River basin.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000 to carry out this section.

SEC. 11. ENVIRONMENTAL COMPLIANCE.

There are hereby authorized to be appropriated to the Secretary $2,000,000 for environmental compliance activities including the conduct, in cooperation with the State of Washington, of an inventory of wildlife and wetland resources in the Yakima River basin and an investigation of measures, including "wetland banking", which could be implemented to address potential impacts which could result from the activities taken under this Act.

SEC. 12. SAVINGS AND CONTINGENCIES.

(a) IN GENERAL.—Nothing in this Act shall be construed to—

(1) affect or modify any treaty or other right of the Yakama Indian Nation;

(2) authorize the appropriation or use of water by any Federal, State, or local agency, the Yakama Indian Nation, or any other entity or individual;

(3) impair the rights or jurisdictions of the United States, the States, the Yakama Indian

Nation, or other entities over waters of any river or stream or over any ground water resource;

(4) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States;

(5) alter, establish, or impair the respective rights of States, the United States, the Yakama Indian Nation, or any other entity or individual with respect to any water or water-related right;

(6) alter, diminish, or abridge the rights and obligations of any Federal, State, or local agency, the Yakama Indian Nation, or other entity, public or private;

(7) affect or modify the rights of the Yakama Indian Nation or its successors in interest to, and management and regulation of, those water resources arising or used, within the external boundaries of the Yakama Indian Reservation;

(8) affect or modify the settlement agreement between the United States and the State of Washington filed in Yakima County Superior Court with regard to Federal reserved water rights other than those rights reserved by the United States for the benefit of the Yakama Indian Nation and its members;

(9) affect or modify the rights of any Federal, State, or local agency, the Yakama Indian Nation, or any other entity, public or private with respect to any unresolved and unsettled claims in any water right adjudications, or court decisions, including State against Acquavella, or constitute evidence in any such proceeding in which any water or water related right is adjudicated; or

(10) preclude other planning studies and projects to accomplish the purposes of this Act by other means: funded publicly, privately, or by a combination of public and private funding.

(b) CONTINGENCY BASED ON APPROPRIATIONS.—The performance of any activity under this Act which requires accomplishment within a specified period that may require appropriation of money by Congress or the allotment of funds shall be contingent upon such appropriation or allotment being made.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

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 on H.R. 1690, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1690 authorizes certain elements of the Yakima River Basin Water Enhancement Project in the State of Washington.

This bill was approved by the Subcommittee on Oversight and Investigations on June 29, and was ordered reported by the full Committee on Natural Resources on July 27, 1994.

Legislation is needed because the water resources of the Yakima basin cannot meet all demands for water supply, and because increasing demands for water have often been met at the expense of anadromous fisheries and the needs of the Yakama Indian Nation.

The bill seeks to enhance the available water supply in the Yakima River basin, WA, by providing a funding source to implement a voluntary water conservation program in the basin. Improvements to existing irrigation systems and their operation will reduce the amount of water that needs to be diverted from the Yakima River to maintain full crop production. This will reduce water demands and thereby improve the reliability of the water supply for both streamflows and irrigation.

Those participating in the basin water conservation program will be eligible to receive financial assistance for conservation projects. Water users must agree to reduce diversions from present levels and to measure all water used. Other changes in Yakima Project operations are detailed in the bill, including the establishment of initial target instream flows and long-term instream flow recommendations to assist in the recovery of fishery resources which have been damaged by irrigation diversions. Provisions are also included in the bill for improving water resources to benefit the Yakama Indian Nation by rehabilitating the Wapato Irrigation Project and by authorizing new water resource activities for the Yakama Indian Nation.

H.R. 1690 was developed in consultation with representatives of local, Yakama Indian Nation, State, and Federal entities and agencies and environmental organizations involved with water resource matters in the basin.

H.R. 1690 reflects the strong commitment of the Committee on Natural Resources to propose legislation that will solve the most contentious water resource management problems facing our Western States. I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1690, although I would characterize my support as lukewarm at best.

This legislation as originally introduced involved many years of debate and consensus building. This bill had its start with our former colleague, Sid Morrison, who worked diligently to achieve a united coalition of competing water interests in the Yakima basin.

However, changes made to this bill in the Natural Resources Committee bill nearly upset this delicate balance for farmers and irrigators in the Yakima basin.

Nevertheless, the irrigators in the Yakima basin have accepted these changes because they remain committed to the overall goal of water conservation. I believe the irrigators deserve a great deal of credit for trying to accommodate environmental organizations so that this proposal could reach fruition.

If this legislation is enacted, I think it can be argued that our former colleague Congressman Sid Morrison deserves much of the credit for his work in fashioning an innovative plan for improving flows for fish runs while still maintaining an adequate supply of water for irrigators.

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Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I want to say that this legislation has been a long time coming, and a great deal of work has been put in on this legislation in trying to get parties to agree by our former colleague, Sid Morrison, and this year our new colleague, the gentleman from Washington [Mr. INSLEE], has engaged in basic shuttle diplomacy between the Natural Resources Committee and the water users and the State of Washington and the other entities, environmental community, Indian nations, in trying to get them to come to an agreement on legislation that they could live with that would help them in the future, minimize the disruptions in the operations, and at the same time meet the multiple and diverse demands that are being placed upon the water in the Yakima basin.

I want to thank him very much for all of his work, maybe more importantly for his patience in listening to all of the concerned parties and to me and to other members of the committee that have been working in Western water law and the reform of some of those systems for some time.

Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. Mr. Speaker, I rise in support of H.R. 1690, which would authorize phase 2 of the Yakima River basin water enhancement project.

This bill would authorize conservation improvements in the irrigation projects in the Yakima River basin. This legislation was originally developed in conjunction with groups and organizations that have an interest in the Yakima River basin, including the irrigation districts, the Yakima Indian Nation, the State of Washington, the Bonneville Power Administration, and the Bureau of Reclamation. Both my predecessor, Representative Sid Morrison, and former Senator Dan Evans worked on this legislation. The legislation before us today is the product of this long consensus building effort on

the part of all of these groups. It reflects an understanding of the economic, environmental and political realities of our day.

We believe that this bill represents the kind of path we must all start to take in solving our natural resource challenges. It represents cooperation rather than litigation. It represents short-term sacrifice that is necessary for long-term gain. It represents a solution driven by local leadership rather than outside mandates. In short, we hope it is not a stretch to say that this can serve as a model for our other natural resource challenges in the Northwest.

We too often enter these debates with the belief that there must be winners and losers in any action taken regarding natural resources. In this case, both irrigation and fish habitat win because this bill will dedicate water saved through conservation both to irrigation and to fish habitat.

Water conservation has the potential to extend significantly the amount of water available. It is time that we act to take the commonsense measure of fixing the leaks in our system. Although conservation methods may not be the ultimate answer to the water needs of the Yakima basin, it is a necessary step and one that will pay great dividends. An acre-foot of water saved is an acre-foot of water earned, and each acre-foot of water saved will be enjoyed by the various communities in the basin. This would reduce irrigation shortages, which threaten the farmers in the Yakima basin. In fact, this year we are experiencing a record drought and we have had several water short years recently; this bill would help farmers in future water short years. It would also enhance instream flows, which will aid anadromous fish by dedicating a significant portion of the saved water to instream flows. It also authorizes a number of individual projects that will improve the way the Yakima system meets the needs of the fish.

I believe this bill provides one of our best opportunities to acquire salmon habitat in the Northwest. We in the Northwest are very concerned that the salmon situation will end in an environmental/ecological train wreck much the same way the old growth forests situation has. By protecting the habitat ahead of time, this legislation will help to avoid the kind of agony that we have experienced with old growth forests. The Yakima River basin provides tremendous salmon spawning habitat—if it has enough water. I am convinced that this Federal investment will provide as great a bang in fish habitat for each Federal buck as any project in the Northwest. For this reason, it justifies the Federal cost sharing set out in the bill. Another advantage of this bill is that by using conservation, we expand the options for all users of the water.

There are a number of people who have been tremendously helpful in this process. I would like to express my appreciation to Eric Glover and Larry Vinsonhaler of the U.S. Bureau of Reclamation. I would also like to thank Urban Eberhart of the Yakima River Basin Association of Irrigation Districts, who represented the irrigation community in the negotiations in developing this bill. I am also very grateful to Bob Tuck, a fisheries biologist for the Yakama Indian Nation for his assistance.

I am extremely grateful to Chairman GEORGE MILLER of the Natural Resources Committee for making the economic and environmental well being of the Yakima basin a priority for his committee. On his staff, Steve Lanich has been very helpful and has devoted a great deal of time to this project. I would also like to thank Representative BOB SMITH, the ranking minority member of this subcommittee and Ted Case of his staff for their support.

Mr. Speaker, this bill is about preventing extension. It is about preventing the economic extinction of family farmers in the Yakima basin, a group of people who have built one of the most productive food production endeavors in the world. It is about preventing the extinction of a number of salmon runs in the Yakima River basin. With this century's record of declining habitats, we will be judged by future generations on how we worked to prevent this extinction. With this bill, we will have one mark to show that we acted to prevent the extinction of both family farms and our grandchildren's salmon.

Mr. Speaker, this legislation meets the needs of the future in a way that is realistic. The way it was developed is, in my opinion, a model for the kind of cooperation that is needed to solve the natural resource dilemmas we will face in the Northwest and across the country. I urge my colleagues to support H.R. 1690.

Mr. ALLARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I would like to also thank the staffs of both the majority and the minority of the subcommittee for all of the work that they have put in on behalf of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SPEAKER pro tempore (Mr. SANGMEISTER). The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 1690, as amended.

The question was taken; and (two-thirds having vote in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING THE ACT ESTABLISHING LOWELL NATIONAL HISTORICAL PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4448) to amend the Act establishing Lowell National Historical Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

The Act entitled "An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes" approved June 5, 1978 (92 Stat. 290; 16 U.S.C. 410cc et seq.), is amended as follows:

(1) In section 103(a)(2), by striking "$33,600,000" and inserting "$43,930,000". The amendment made by this paragraph shall take effect on October 1, 1994.

(2) In section 203, by adding at the end thereof the following new subsection:

"(c) LOAN AND GRANT AGREEMENTS.—Upon termination of the Commission, the Secretary, acting through the National Park Service, shall assume all responsibilities of the Commission for administration and oversight of the loan and grant agreements under section 303.".

(3) In section 205, by adding at the end thereof the following new subsection:

"(e) LEASING AUTHORITY.—(1) In addition to other available authorities, the Secretary may, in his discretion, negotiate and enter into leases, as appropriate, with any person, firm, association, organization, corporation or governmental entity for the use of any property within the Park and Preservation District in accordance with the General Management Plan and any of the purposes set forth in section I of this Act.

"(2) Any leases entered into under this subsection shall be subject to such procedures, terms, conditions and restrictions as the Secretary deems necessary. The Secretary is authorized to negotiate and enter into leases or other agreements, at fair market value and without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b). For purposes of any such lease or other agreements, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to the leased properties.

"(3) The proceeds from leases under this subsection shall be retained by the Secretary, be available without further appropriation, remain available until expended, and be used to offset the costs of preservation, interpretation, restoration, maintenance, improvement, repair, and related expenses, including administration related to such expenses, incurred by the Secretary with respect to properties within the Park and Preservation District, with the balance used to offset other costs incurred by the Secretary in the administration of the Park.

"(4) Each lessee of a lease entered into under this subsection shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the lease have been, and are being, faithfully performed.

"(5) The Secretary shall annually prepare and submit to Congress a report on property leased under this subsection.".

(4) In section 301(i), by striking "seventeen" and inserting "22".

(5) In section 303(a), by amending paragraph (1) to read as follows:

"(1) The loan to the corporation shall have a maturity of 35 years. At the end of such period, the corporation shall repay to the Secretary of the Treasury (in a lump sum) for deposit in the general fund of the Treasury the full amount of the loan and any additional amounts accruing to the corporation pursuant to this subsection excepting principal and interest losses occasioned by loan defaults after all reasonable efforts at collection have been completed plus those amounts expended by the Corporation for reasonable administrative expenses. The Commission is further authorized to renegotiate the terms and conditions respecting loan repayment of the agreement dated December 8, 1980, with the Lowell Development and Financial Corporation. The authority provided in this paragraph shall be available only to the extent that appropriations for a subsidy cost, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.".

(6) In section 305(g), by inserting before the period at the end thereof "for administration by the National Park Service in accordance with the general management plan".

(7) By adding after section 307 the following:

"SEC. 308. ADVISORY COMMITTEE.

"(a) ESTABLISHMENT OF ADVISORY COMMITTEE.—Upon the termination of the Commission, the Secretary shall establish a committee to be known as the Lowell National Historical Park Advisory Committee (hereinafter in this section referred to as the 'Advisory Committee').

"(b) MEMBERSHIP.—The Advisory Committee shall be composed of 15 members appointed by the Secretary.

"(c) CHAIRPERSON.—The Advisory Committee shall designate one of its members as Chairperson.

"(d) QUORUM.—Eight members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall act and advise by affirmative vote of a majority of the members voting at a meeting at which a quorum is present. The Advisory Committee shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park and preservation district. Advisory Committee meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

"(e) FUNCTIONS.—The Advisory Committee shall advise the Secretary on the operation, maintenance, development, and programming of the park and preservation district.

"(f) SUPPORT AND TECHNICAL SERVICES.—In order to provide staff support and technical services to assist the Advisory Committee in carrying out its duties under this Act, upon request of the Advisory Committee, the Secretary is authorized to detail any personnel of the National Park Service to the Advisory Committee.

"(g) PER DIEM.—Members of the Advisory Committee shall serve without compensation but shall be entitled to travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

"(h) FACA.—The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 Stat. 776), are hereby waived with respect to the Advisory Committee.

"(i) VACANCIES.—Any vacancy in the Advisory Committee shall be filled in the same manner in which the original appointment was made. Any member may serve after the expiration of his term until his successor is appointed.

"(j) TERMINATION.—The Advisory Committee shall terminate on June 5, 2010.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4448, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I am consume.

Mr. Speaker, H.R. 4448, would amend the act establishing the Lowell National Historical Park. Lowell National Historical Park was established in 1978 to preserve and interpret the nationally significant historical and cultural sites, structures, and districts in Lowell, MA. At that time, Congress established the Lowell National Historical Park Commission to complement and coordinate the efforts of the park and various other State, local, and private entities in developing and managing the historic and cultural resources of Lowell. While several projects remain to be completed, the Commission is scheduled to terminate on June 5, 1995, and the limit on authorized development funds has been reached.

H.R. 4448, introduced by Representative MEEHAN on May 18, 1994, extends the Commission for an additional 5 years, and increases the authorization level for the park. The legislation also provides for the transfer of the Commission's authorities to the National Park Service, and authorizes any revenues or assets acquired to be used for park purposes. The bill requires the Lowell Development and Financial Corporation to repay to the Secretary of the Treasury loans and interest from a low-interest loan fund established in 1978, except for any losses taken after all reasonable efforts at collection have been completed. Finally, the legislation establishes an advisory committee, following termination of the Commission, to provide input on the operation, maintenance, development, and programming of the park and preservation district.

The committee amended the bill as introduced to strengthen the language authorizing the National Park Service to assume the Commission's responsibilities for loan and grant agreements and to retain the revenues from leasing properties currently administered by the Commission for park use. This section reflects the committee's concern that such action be governed by appropriate regulation, and institutes reporting requirements on the financial records related to these provisions.

In response to concerns raised by OMB, the committee also included additional language regarding the loan fund that would exempt the corporation from repaying principal and interest losses due to defaults to make it acceptable under the Credit Reform Act.

Finally, the committee limited the advisory committee established in the bill to 10 years. I believe the establishment of an advisory committee to be appropriate in this instance, where partnerships and community involvement play such an important role in the operation of the park. However, I also believe that such committees should not be open-ended, and in fact should be reviewed periodically to determine if their activities and membership continue to be appropriate. The 10-year sunset seems adequate for this purpose.

Mr. Speaker, Lowell is in many ways a model for the kind of partnerships and community-based parks we are trying to encourage. The private investment in the area has far outstripped Federal funding for the park. Neglected and deteriorating resources have been restored, and the park has been developed with the support and cooperation of local public and private entities. Without this legislation, however, the National Park Service would be required to assume responsibility for incomplete projects and would be left without the necessary authority to manage properties and programs currently under the jurisdiction of the Commission.

This legislation provides for the completion of projects already underway and provides for the orderly and cost effective transition from management by the community-based commission to the National Park System. This is an existing unit of the National Park Service, and the authorities contained in this bill are necessary for its continued operation.

□ 1330

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, although I understand there has been a remarkable effort to restore the historical values at Lowell and excellent cooperation between the Federal Government, State government and private sector, I must strongly oppose H.R. 4448.

This legislation effectively authorizes $14 million for the Lowell National Historical Park and its Historic Preservation Commission. This is on top of the $53.4 million already spent at the park by the National Park Service. This figure does not include millions spent for park operations and the Commission's administrative expenses.

This park has a long and controversial history. The first attempt to authorize it in 1978 resulted in a defeat on the House floor. Members were concerned about its $40 million cost and

fears this money might be spent on urban renewal efforts.

Opponents of this legislation in 1978 included such distinguished alumni as AL GORE and Dan Quayle. They were joined by current members of the leadership as Ways and Means Chairman SAM GIBBONS, Intelligence Committee Chairman DAN GLICKMAN, and Veterans Committee Chairman SONNY MONTGOMERY. Distinguished subcommittee chairmen BILL HEFNER, ANDY JACOBS, and TOM BEVILL joined in their opposition.

Although ranking member of the Subcommittee on National Parks and Recreation Keith Sebelius supported the original authorization, he wrote in the 1978 committee report that, "This legislation, in its implementation must not be permitted to be a bottomless goodie bag of financing assistance."

Unfortunately, Mr. Sebelius' fears were well-founded because 9 years later in 1987, Congress increased the authorization for Lowell by $13.4 million and extended the life of the Commission by 7 years. Today's legislation effectively increases that authorization by $14 million. Examples of this Federal largesse to date include $9.5 million for canal construction and design and $3.6 million for a trolley system.

H.R. 4448 increases the park's development ceiling by $10.33 million, $5.1 million of this total will be spent to complete the canalway system. It also extends the life of the Lowell Historic Preservation Commission for 5 additional years.

In fiscal year 1993 this Commission spent $726,000 in administrative expenses which has taken the National Park Service's annual budget. Extending it by 5 years, assuming current spending levels are frozen, will cost taxpayers an additional $3.63 million. The fact that Congress never intended this Commission to have such a long and active life is demonstrated by the Senate Interior Committee's report on H.R. 11622 in 1978 which stated, "The role of the commission will, in all likelihood, be very minimal by 1988."

This legislation represents the second time in 7 years that Congress has been asked to increase the development ceiling for Lowell, and extended the life of the Commission.

Mr. Speaker, I believe the $53.4 million already spent by the National Park Service at Lowell is more than enough. Moreover, because of the National Park Service's massive backlog of between $7.4 to $9.4 billion and our $4.5 trillion national debt, I am astounded, this legislation is before us.

Mr. Speaker, I urge my colleagues to vote against H.R. 4448.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I am pleased to have the participation this afternoon of the principal author on the floor today, the gentleman from Massachusetts [Mr. MEEHAN]. The gentleman has done a very good job of presenting this case to the committee. Obviously, there are some questions not completely resolved in some minds, but he certainly has done a good job. I commend him for it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise today to ask support for H.R. 4448, a bill to amend the act establishing Lowell National Historic Park.

I appreciate the assistance of the gentleman from Minnesota, Chairman VENTO. His efforts and support have improved this bill. I am grateful for his help and guidance.

In 1978, the Congress created the Lowell National Historical Park. In doing so, it recognized the pivotal part that Lowell played in the American Industrial Revolution. This Nation's industry began in Lowell. The city's industrial mill buildings, canal system, historic buildings and ethnic and cultural diversity are important monuments to America's transition from an agrarian to an industrial economy. Congress has acknowledged these assets to be nationally significant. The act made Lowell a unit of the National Park Service and created the Lowell Historic Preservation Commission. The Commission membership consists of 15 members representing local, State, and Federal Government and the private sector. This unique partnership is charged with preserving and interpreting cultural and historic assets, especially the 5-mile canal system and privately owned historic structures.

Seven years ago, the Congress reauthorized the Lowell Historic Preservation Commission. Today, I am asking you to support the orderly phase-down and termination of the Commission so that it may complete its tasks in accordance with the intent of the original law.

The Commission's essential work is not finished. The Lowell community has wrestled with preparing to phase out the Commission, while ensuring that the National Park Service will not be left with unanticipated burdens. This bill is intended to address these concerns.

The legislation includes the following provisions:

Extends the Commission for 5 years to allow adequate time to complete its responsibilities.

Provides necessary financial resources—$10.33 million over 5 years—to complete the physical restoration of the canal system and to preserve privately owned historic structures.

When the Commission ends, it authorizes the National Park Service to assume oversight and administrative functions for loan programs, leases and ownership of property and easements.

Upon termination of the Commission, establishes an unpaid advisory committee to the Park Service which would end in 2010.

It facilitates private investment by clarifying the obligations of a local not-for-profit corporation which administers the Commission's historic preservation loan program.

Mr. Speaker, the Lowell Commission is a model for Government cooperation and effectiveness. It encourages private investment in historic preservation. Thus, it achieves successes which the Federal Government could not accomplish on its own. Through its loan and grant programs, the Commission helped to preserve and restore 63 privately owned buildings leveraging over $9 of private investment for every Commission dollar. The Commission has been cost-conscious as well. Ninety-five percent of the land for the canalway was acquired through donations.

□ 1340

Project engineering and design costs were reduced by 60 percent through elimination of outside consultants. If you visit the Lowell Park, I know that you will be impressed by the quality of the Commission's efforts.

Secretary of interior Babbitt and Park Service Director Kennedy were impressed when they came to the Lowell Park last year. And, this year, the National Park Service supported passage of the bill at the hearings conducted by Chairman VENTO and his committee. The bill also is supported by the city of Lowell, the Massachusetts Historic Commission, Gov. William Weld, Historic Massachusetts, Inc., and Preservation Action, Inc., among others.

This legislation strikes a responsible balance. It seeks the minimum amount of resources required to protect the public investment that has already been made in Lowell. It contains no boundary expansions or new project initiatives. It only allows the Commission to complete the type of projects which the Congress has approved previously. It permits the orderly and efficient transition of Commission functions to the private sector and the Park Service. In fact, the Commission has already transferred its cultural programs to nonprofit sponsors.

The national significance of Lowell's historic resources and the quality and importance of its interpretive programs are well established. The Lowell Commission was the first of its kind to be created within the Department of the Interior and it will be the first to go out of business. It seeks to utilize the considerable experience and expertise of the Commission members and staff so that it can terminate with its projects completed and with a cost effective transition process.

Mr. Speaker, I ask my colleagues to support H.R. 4448. Passage will ensure

the preservation of important national assets for future generations, and it will enhance the public investments that have been made there and protect and interpret a significant part of our heritage. I would also point out that there are a number of reasons why the transition has taken more time than originally anticipated. The transfer of canal property rights and ownership from the Commonwealth of Massachusetts to the commission required State legislation. Land donations were delayed due to bankruptcy of land owners. Detection of hazardous waste that was found in many of the sites required testing and cleanup. Structural problems encountered along several of the canal walls required additional work as well.

Therefore, I urge, Mr. Speaker, my colleagues to approve this important legislation which would enable the Lowell Historic Park Commission to gout out of business, but not before completing its mission.

Mr. ALLARD. Mr. Speaker, I have no further requests for time on this side.

Mr. VENTO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I was interested in the recitation of the gentleman from Colorado [Mr. ALLARD] of the history of 16–17 years ago of who voted for and who voted against the initial proposition of then-Congressman Paul Tsongas on the floor of the House of Representatives. I might point out also, Mr. Speaker, of course supported by Senator Ed Brooke at the time, a big advocate of Lowell, and clearly, I think, as the gentleman from Massachusetts [Mr. MEEHAN] has pointed out, the reasons for the delay are being articulated in terms of the fact that there was toxic waste, and while we were not responsible for it, and the Federal Government did not pay for the cleanup, it did delay the work of being able to move forward. The canals are key, of course, to the power system of Lowell; it was operated on the basis of this sort of waterfall or water power. The fact is that the walls of those canals needed substantially more repair than was anticipated.

Well, Mr. Speaker, that can happen. I suppose we do not all have experts around that can judge the condition of 150-year-old canals, and so that is understandable, that there was bankruptcy, a failure of a company, as he indicated, that necessitated an eminent domain proceeding. Fortunately the Park Service had the power to act on that, but again it was expensive from a time phase, and in the 1980's, Mr. Speaker, frankly many parks that needed funding and the parks that need funding today are not receiving it.

Very often, Mr. Speaker, my colleagues are concerned about the designation of new parks when existing units are suffering. Here is a chance. What we are asking is to let this park have the authorization, if they can make their case before the Committee on Appropriations and this can be signed into law, that they would be able to access the type of funding they needed. The commission; I think it is a judgment call as to the length of it, but they have been managing the loans. Again, of the costs that are associated here is the default on a loan. When that defaults, we really expect the commission to be able to somehow take out of the Park Service revenue the loss of a loan. I really do not think that that is what is anticipated.

So, even though the grant and loan process has, in fact, made money, and has been very, very successful, I think that, if there was some question about the commission and the necessity of it working successfully, there would be valid questions that have been raised on the floor today.

But that is not the case here. This has been a successful working commission. I think all too often we get in the habit of asking for commissions, and they really end up being do-nothing commissions. They are really there in terms of having a responsibility and do not fulfill the role.

But here is an active, working commission, and so for that reason I have been persuaded to support this. I hope that I can persuade my colleagues. I say to the gentleman, "You didn't mention, Mr. ALLARD, that of course, when I was recorded in terms of this vote, I voted for it in 1978, and I'm asking Members to continue to give the benefit of the doubt to the Paul Tsongases and others that have advocated this position."

Mr. Speaker, it is a successful park. It is one we should remain committed to. I would hope today on the floor that Members would support this and support the idea of this. It is an important resource for America.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SANGMEISTER). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4448, as amended.

The question was taken.

Mr. ALLARD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ESTABLISHING THE NEW BEDFORD WHALING NATIONAL HISTORICAL PARK IN NEW BEDFORD, MA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill—H.R. 3898—to establish the New Bedford Whaling National Historical Park in New Bedford, MA, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the New Bedford National Historic Landmark District and associated historic sites as described in section 3(b) of this Act, including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(2) the city of New Bedford was the 19th century capital of the world's whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(3) New Bedford's historic resources provide opportunities for illustrating and interpreting the whaling industry's contribution to the economic, social, and environmental history of the United States and provide opportunities for public use and enjoyment; and

(4) the National Park System presently contains no sites commemorating whaling and its contribution to American history.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve, protect, and interpret the resources within the areas described in section 3(b) of this Act, including architecture, setting, and associated archival and museum collections;

(2) to collaborate with the city of New Bedford and with local historical, cultural, and preservation organizations to further the purposes of the park established under this Act; and

(3) to provide opportunities for the inspirational benefit and education of the American people.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term "park" means the New Bedford Whaling National Historical Park established by section 3.

(2) The term "Secretary" means the Secretary of the Interior.

SEC. 3. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain districts, structures, and relics located in New Bedford, Massachusetts, and associated with the history of whaling and related social and economic themes in America, there is established the New Bedford Whaling National Historical Park.

(b) BOUNDARIES.—(1) The boundaries of the park shall be those generally depicted on the map numbered NAR–P49–80000–4 and dated June 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The park shall include the following:

(A) The area included within the New Bedford National Historic Landmark District, known as the Bedford Landing Waterfront Historic District, as listed within the National Register of Historic Places and in the Massachusetts State Register of Historic Places.

(B) The National Historic Landmark Schooner Ernestina, with its home port in New Bedford.

(C) The land along the eastern boundary of the New Bedford National Historic Landmark District over to the east side of MacArthur Drive from the Route 6 overpass on the north to an extension of School Street on the south.

(D) The land north of Elm Street in New Bedford, bounded by Acushnet Avenue on the west, Route 6 (ramps) on the north, MacArthur Drive on the east, and Elm Street on the south.

In case of any conflict between the descriptions set forth in subparagraphs (A) through (D) and the map referred to in this subsection, the map shall govern.

(2) In addition to the sites, areas and relics referred to in paragraph (1), the Secretary may assist in the interpretation and preservation of each of the following:

(A) The southwest corner of the State Pier.

(B) Waterfront Park, immediately south of land adjacent to the State Pier.

(C) The Rotch-Jones-Duff House and Garden Museum, located at 396 County Street.

(D) The Wharfinger Building, located on Piers 3 and 4.

(E) The Bourne Counting House, located on Merrill's Wharf.

SEC. 4. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this Act and 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, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) COOPERATIVE AGREEMENTS.—(1) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(2) Funds authorized to be appropriated to the Secretary for the purposes of this subsection shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this Act, any money so contributed. With the approval of the Secretary, any donation of land, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for the purposes of this subsection.

(3) Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) LIMITATION ON FUNDS.—Funds authorized to be appropriated to the Secretary for operation and maintenance of the schooner Ernestina may not exceed 50 percent of the total costs of such operation and maintenance and may not exceed $300,000 annually.

(d) ACQUISITION OF REAL PROPERTY.—The Secretary may acquire, for the purposes of the park, by donation, exchange, lease or purchase with donated or appropriated funds, lands, interests in lands, and improvements thereon within the park except that (1) lands, and interests in lands, within the boundaries of the park which are owned by the State of Massachusetts or any political subdivision thereof, may be acquired only by donation, and (2) lands, and interests in lands, within the boundaries of the park which are not owned by the State of Massachusetts 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 park or which is otherwise incompatible with the purposes of this Act.

(e) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept donated funds, property, and services to carry out this Act.

SEC. 5. GENERAL MANAGEMENT PLAN.

Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park and shall implement such plan. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)) and other applicable law.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act, but not more than $10,400,000 is authorized to be appropriated for construction, acquisition, restoration, and rehabilitation of visitor and interpretative facilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3898.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3898, introduced by Representative BARNEY FRANK, would establish the New Bedford Whaling National Historical Park in New Bedford, MA. The city of New Bedford became the center of the whaling industry at its peak between 1820 and 1860, and also represents associated whaling-related themes such as immigration, the expansion of trade and exploration, as well as conservation of natural resources.

The National Park Service, in cooperation with the Waterfront Historic Area League [WHALE] in New Bedford, has studied the resources of New Bedford, and has concluded that the area meets the criteria for national significance, as well as suitability and feasibility for inclusion in the National Park System. H.R. 3898 establishes the New Bedford Whaling National Historical Park in New Bedford, MA to interpret the history of whaling and related social and economic themes. The park would consist of the current New Bedford National Historic Landmark District, the Schooner *Ernestina*, also a national historic landmark, and additional property adjacent to the landmark district as described in the legislation.

The Committee on Natural Resources made several changes to the bill as introduced. The bill, as amended, requires an equal match for Federal funding for operation and maintenance of the Schooner *Ernestina*, and limits the Federal contribution to $300,000 annually for this purpose. The bill also requires an equal match, whether in funds or in-kind contributions, for activities undertaken pursuant to cooperative agreements authorized by the legislation. Interested parties at both the State and local level have demonstrated strong commitment to developing and establishing this park. Testimony received at the hearing indicated that this support would continue, and I believe these provisions encourage further participation.

The section authorizing acquisition of property has been redrafted to conform with standard National Park Service acquisition authority. Additionally, the committee limited this authority to acquiring lands within the park boundaries only with the owner's consent unless the Secretary determines that property is being developed or proposed to be developed in a manner detrimental to the purposes of the park. Within this park boundary, property is primarily under private ownership. The National Park Service has testified that acquisition will only be necessary for the construction of visitor and interpretive centers. While some have advocated limiting acquisition only for these purposes, I do not believe that the Secretary should be constrained from acquiring property as necessary to advance the purposes of the park. This language I believe satisfies the objections of some of the unlimited acquisition authority while protecting the park from adverse development. Finally, the bill limits the authorization for developing and constructing visitor and interpretive centers to $10.4 million in accordance with National Park Service estimates.

Mr. Speaker, this is a new park which will preserve and interpret resources representing themes not addressed at current National Park Service units. I believe this addition is important; the bill has been drafted to assure appropriate preservation while limiting the Federal obligation for operating the park. This is an important and cost-effective addition, and I urge my colleagues' support.

□ 1350

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise today to address H.R. 3898, the New Bedford Whaling National Historical Park. This area does have national merit and does deserve some recognition by the National Park Service. The story of the American whaling industry is not portrayed in

any other national park. However, as is often the case with new park legislation, the authorization level is too high. This bill authorizes $10.4 million for a visitor center and has an open ended authorization for land acquisition. Except for the high price tag involved, the New Bedford Whaling Park is worthy of our consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK], the principal sponsor of this bill, who has done really a great job in shepherding this measure through the committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, let me note that joining us on the floor now is my neighbor, the gentleman from Massachusetts [Mr. BLUTE]. This project was originally brought forward by my predecessor, the gentleman from Massachusetts [Mr. STUDDS], the Representative of the city of New Bedford, who now chairs the Committee on Merchant Marine and Fisheries.

By the time our friends in the legislature had divided up the districts, I had a part of the New Bedford District, and Mr. BLUTE also had a part of it.

So this is a joint venture in terms of our support, and it is also a joint venture of the State.

Let me say that I appreciate the legitimate concerns of those on the other side, because really we do have fiscal problems and we do not want to overpromise. That is why one of the things we made sure of was that the State of Massachusetts legally committed itself, for instance, to the schooner, *Ernestina*. I know that there had been problems in the past with the question of gifts that became burdens, but in this case we have State legislation already passed, and the State commission already sworn in, and the State of Massachusetts has undertaken the ongoing financial commitment. They have already brought the ship up to code. They have already paid off the debt, that this would be a 50–50 process.

Similarly, with regard to land acquisition, we do not expect there to be any other than for the visitors' center. It is all subject to appropriation. There is no entitlement to anything in here.

By the way, it does restrict this to a willing seller, so there is no eminent domain power in here. If it should turn out a year from now or 5 years from now, or whenever, that there is a consensus that maybe the Park Service ought to acquire another parcel of land, I would certainly feel a commitment to come and discuss that and not try to do it if there was any significant opposition to it.

The GAO report says that for several years this will cost less than a million dollars a year. It is out of the regular budget.

I also want to say that we resisted the usual temptations. I want to thank my friend, the gentleman from Minnesota [Mr. VENTO], because some of the people in the area said, "Well, the way you do this is you go to the Appropriations Committee" and you bypass this and bypass that. I consulted with the gentleman from Minnesota and his very able staff, and they confirmed my view that that was not the way to go, that the way to go was, in fact, to go through the process, to go through the regional park service, to go through the Park Service, and do this in a very orderly way. This has been done in an orderly way. No Federal money has been spent on this yet because there has not been anything other than the study which was legally authorized through the gentleman who preceded me.

After the commission recommended it and after the Park Service said it was recommended, my colleague, the gentleman from Massachusetts [Mr. BLUTE], and I went to the committee and we tried very much to do that, so I appreciate the legitimate concerns.

I do believe this is a park of great historical significance. Let me stress one thing about it that I believe is very important. People are familiar with the strains that now exist with the fishing industry. One of the problems we have had is that there is often a conflict between the people concerned with environmental matters, with cultural matters, and with historical preservation and those engaged in ongoing economic activity. I am very pleased to be able to report this—and I know the gentleman from Massachusetts [Mr. BLUTE] will be able to back me up—that the fishermen who work here and the conservationists, the people concerned with America's heritage, and the people concerned with America's economic well-being are absolutely in concert.

I think frankly this is a good example of how we can all work together. That is why we do not want any land taking here. This is a working waterfront. We are not trying to interfere with economic activity. We are trying to show the continuity in America's cultural history.

So I thank very much the gentleman from Minnesota [Mr. VENTO]. He and his staff have been very good guides in this matter.

Mr. Speaker, if the gentleman from Colorado [Mr. ALLARD] would like to have me yield to him, I would yield at this point.

Mr. ALLARD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would just make this point. In the gentleman's district he has fishermen that he deals with, and in my district we have farmers, and I think they all realize that they have to protect their environment because their livelihoods depend on that. If they do not properly conserve that, they are not going to benefit. So I appreciate that point the gentleman from Massachusetts is making.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Colorado.

What we have found out is that the practitioners are often the most sensible environmentalists because they have not only the love for the land, because you do not go into fishing or into farming purely for economic reasons, but there is a commitment, an emotional commitment, as well, and with that also comes an understanding. So I thank the gentleman from Colorado.

Mr. ALLARD. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. BLUTE], a new Member of the House of Representatives.

Mr. BLUTE. Mr. Speaker, I thank my colleague, the gentleman from Colorado [Mr. ALLARD] for yielding me this time. I would also like to thank the gentleman from Massachusetts [Mr. FRANK] and commend him for his leadership on this bill.

Mr. Speaker, "Call me Ishmael." With these three words begin one of the greatest American literary works of all time, Herman Melville's "Moby Dick."

We all know the story of Moby Dick, the great white whale, and his relentness pursuer Captain Ahab. This story is required reading in most school districts throughout the country, because the tale it tells of the golden age of whaling in America is such an important part of our heritage.

For the better part of the 19th century, whaling was one of the most important elements of our Nation's economy. Whaling provided the lamp oil which lit 19th century homes; spermaceti, from which fine quality candles were made; and bone from which corsets, sewing needles and scrimshaw jewelry were fashioned. These products alone generated a tremendous amount of wealth for this country in the early to mid-1800's.

More importantly, though, whaling provided the lubricant for the machines which drove this Nation into the Industrial Revolution, transforming our entire economy from an agricultural to a manufacturing one. Without question, whaling is a critical part of our national fabric, our very identity as an industrial power.

Which is why H.R. 3898 is so important and so very justified.

This legislation will serve to preserve and protect a legitimate piece of Americana: a slice of life from days-gone-by which must not be allowed to fade from memory. By establishing a Whaling National Historical Park in southeastern Massachusetts, in New Bedford, which is the whaling capital of the world, we will ensure that future generations will never forget one of the most romantic eras of America's past.

There exist in New Bedford today the makings of a fantastic national treasure. The Whaling Museum alone has a wonderful collection of maps, models, charts and artifacts that date back almost 200 years. Items which are worthy of display in the Smithsonian Institution. They paint a vivid picture of the America of the past. When you combine the museum with the whaling boats, the magnificent mansions, the libraries and gardens of Old New Bedford, you have a spectacular national park.

I, as well as Gov. William Weld, strongly support this legislation and the concept of the whaling national park. I feel that this is an extremely worthwhile and justified proposal that our children and our childrens' children will thank us for. I ask my colleagues to please vote "yes."

□ 1400

Mr. ALLARD. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3898, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LOWER EAST SIDE TENEMENT NATIONAL HISTORICAL SITE ACT OF 1994

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4158) to establish the Lower East Side Tenement Museum National Historic Site, as amended.

The Clerk read as follows:

H.R. 4158

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 "Lower East Side Tenement National Historic Site Act of 1994".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "historic site" means the Lower East Side Tenement National Historic Site established by section 4.

(2) The term "Museum" means the Lower East Side Tenement Museum, an education corporation chartered under the laws of the State of New York.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Lower East Side Tenement at 97 Orchard Street, New York, New York, is an outstanding survivor of the vast number of humble buildings in New York City that housed immigrants to the United States during the greatest wave of immigration in American history;

(2) the Lower East Side Tenement is well suited to represent a profound social movement involving great numbers of unexceptional but courageous people;

(3) between 1880 and 1921, almost three-quarters of the immigrants to the United States entered the country through New York Harbor, most passed through immigration stations at Ellis Island and, earlier, Castle Clinton, both of which have been designated as national monuments, and millions of these immigrants made their way to the Lower East Side of New York City;

(4) no other single identifiable neighborhood in the United States absorbed a comparable number of immigrants;

(5) the Museum is dedicated to interpreting immigrant life on the Lower East Side and its importance to United States history, and is located within a neighborhood long associated with the immigrant experience in America;

(6) the tenement building at 97 Orchard Street has been designated as a National Historic Landmark, has been found to be historically significant, and possesses a historic fabric of exceptional integrity dating from the period of peak immigration to the United States; and

(7) the National Park Service has found the Lower East Side Tenement to be nationally significant and to be best protected and interpreted through designation as an affiliated area of the National Park System while remaining under private ownership and management.

(b) PURPOSES.—The purposes of this Act are—

(1) to assure the preservation, maintenance, and interpretation of the Lower East Side Tenement and to interpret, in the tenement and the surrounding neighborhood, the themes of early tenement life, the housing reform movement, and tenement architecture in the United States;

(2) to assure the continuation at this site of the Lower East Side Tenement, the preservation of which is necessary for the continued interpretation of the nationally significant immigrant phenomenon associated with the Lower East Side of New York City and the role of the phenomenon in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton National Monument and Ellis Island National Monument through cooperation with the Lower East Side Tenement National Historic Site.

SEC. 4. DESIGNATION OF HISTORIC SITE.

In order to further the purposes of this Act and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, New York, New York, is hereby designated as a national historic site.

SEC. 5. COOPERATIVE AGREEMENT.

(a) IN GENERAL.—In furtherance of the purposes of this Act and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), the Secretary may enter into a cooperative agreement with the Museum to effectuate the purposes of this Act.

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—Any agreement entered into under subsection (a) may include provisions by which the Secretary will provide technical assistance to mark, restore, interpret, operate, and maintain the historic site. Such an agreement may also include provisions by which the Secretary will provide financial assistance to mark, interpret, and restore the historic site (including financial assistance for the making of preservation-related capital improvements and repairs, but not including financial assistance for other routine operations).

(c) ADDITIONAL PROVISIONS.—Any agreement entered into under subsection (a) shall contain provisions that—

(1) the Secretary, acting through the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by such agreement for the purpose of conducting visitors through such property and interpreting the property to the public; and

(2) no changes or alterations may be made in property covered by the agreement except by mutual agreement between the Secretary and the other parties to the agreement entered into under subsection (a).

SEC. 6. REPORT.

The Museum shall, as a condition of the receipt of any assistance under this Act, provide to the Secretary and to the Congress an annual report documenting the activities and expenditures for which any such assistance was used during the fiscal year preceding the report.

SEC. 7. APPROPRIATIONS.

There is hereby authorized to be appropriated $6,400,000 to carry out the purposes of this Act, such sums to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4158, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4158, introduced by Representative VELÁZQUEZ, would establish the Lower East Side Tenement National Historic Site. The Lower East Side Tenement Museum is a nonprofit institution dedicated to telling the story of immigrant life in the Lower East Side of New York. The museum has arranged to acquire 97 Orchard Street, a tenement building which had been erected in the mid-1860's and sealed from the mid-1930's until its acquisition by the museum. The building is a national historic landmark, and the museum interprets the immigrant experience in the area from arrival at Ellis Island through assimilation during the 70 years the tenement housed immigrants.

A National Park Service study has determined that the tenement meets the criteria for significance, suitability and feasibility for inclusion in the National Park System, and that affiliated status would provide the most appropriate avenue for NPS involvement.

H.R. 4158, as amended by the Committee on Natural Resources, establishes the Lower East Side Tenement National Historic Site to interpret the themes of early tenement life, the housing reform movement, and tenement architecture in the United States. The legislation authorizes the Secretary to provide technical and financial assistance to mark, restore, interpret, operate and maintain the site.

Capital improvements and repairs are also authorized. Finally, the bill, as amended, limits overall Federal funding to $6.4 million, the amount the National Park Service estimated would be the Federal contribution necessary to restore the tenement building and provide for visitor and interpretive services.

The moving testimony received at the hearing on this bill indicated the significance of this resource and its importance in understanding the American immigrant experience. Enactment of this legislation will assure the recognition of this aspect of American history and culture, and I urge my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, although I commend the Lower East Side Tenement Museum for its remarkable achievements in 6 short years, I strongly oppose H.R. 4158, which essentially amounts to a Federal bailout of this institution.

Like the bill's proponents, and I actually was mistakenly listed as a cosponsor, I believe the amazing history of immigration to the United States needs to be told. Indeed it is remarkable that between 1880 and 1921 nearly 75 percent of immigrants to the United States entered through New York harbor.

Fortunately, this amazing chapter of American history is already being told by the National Park Service. In the New York area alone, National Park Service monuments such as Clinton Castle in Manhattan and the Statue of Liberty—which includes Ellis Island—are already doing this. As a result, there is no need for the National Park Service to fund a similar effort in the same area.

This legislation authorizes the National Park Service to spend $6.4 million for technical and financial assistance to the Lower East Side Tenement Museum. If this bill is enacted, what will prevent the museum from coming back to Congress for more money in the future? This is exactly what is happening today with the Lowell National Historical Park in Massachusetts where that park has come back to Congress twice in 7 years for more money.

Moreover, at a time when the National Park System has a backlog of between $7.4 and $9.4 billion for existing parks, how can we possibly create yet another questionable demand on that agency's budget?

Mr. Speaker, H.R. 4158 sets an extremely dangerous and potentially expensive precedent whereby private nonprofit museums replace private philanthropy with millions from the Federal Treasury. I am sure this museum would tell you that private fundraising has diminished ever since their contributors learned the Federal Government would chip in $6.4 million.

If we really want to destroy private philanthropy in this country we will pass more bills like this one. Voluntary contributions from citizens, business, and foundations which are a time-honored tradition in this country will be replaced by Federal funds which are involuntarily taken from these same sources.

I urge my colleagues to vote against this legislation, which, if passed, paves the way for other private institutions to come to Congress and seek their own sweetheart deals.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just take a minute and say I think this is a very modest proposal which greatly enhances the visitor experience in terms of its coordination with Ellis Island and the Statue of Liberty, which has been an amazing success. There has been a lot of private dollars invested in this. There is a significant private commitment into the future.

It is obviously a request for Federal participation in terms of an affiliated status with really what represents a modest investment on the part of the Federal Government, and is a good way to build a partnerships to achieve the goals, the enhancement of the experience in terms of Ellis Island and the Statue of Liberty, in which we have spent literally hundreds of millions of dollars, much of it privately raised, again, Mr. Speaker, in recent years.

I would hope that my colleagues would support this. I do not know what type of configuration there will be. We look at a city like New York, a new mayor and all the problems they have, and I think this really deserves the type of effort being put forth here, because New York was such an important gateway in terms of the immigrant experience. It is something that goes along with the theme of the Park Service, and they support it.

□ 1410

The administration supports it. I would hope that my colleagues would support the important bill of the gentlewoman from New York [Ms. VELÁZQUEZ].

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ALLARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SANGMEISTER). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4158, as amended.

The question was taken.

Mr. ALLARD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4:45 p.m.

Accordingly (at 2 o'clock and 10 minutes p.m.) the House stood in recess until 4:45 p.m.

□ 1646

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CARDIN) at 4 o'clock and 46 minutes p.m.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 4217, FEDERAL CROP INSURANCE REFORM ACT OF 1994

Mr. DE LA GARZA Mr. Speaker, I ask unanimous consent that the Committee on Agriculture have until midnight tonight to file a report on the bill (H.R. 4217) to reform the Federal Crop Insurance Program and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 4453, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1995

Mr. HEFNER. Mr. Speaker, I call up the 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 Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 27, 1994, at page H6351.)

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HEFNER] will be recognized for 30 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

GENERAL LEAVE

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report and the amendments in disagreement on the bill, H.R. 4453, and that I be allowed to

include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. HEFNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report we present to the House today for military construction, family housing, and base closure contains agreements on about 250 line items. The conference agreement recommends a total appropriation of $8.8 billion which is $628 million under last year's program level. The conference agreement is under the section 602(b) allocation for both budget authority and outlays.

Mr. Speaker, we have 15 amendments in disagreement. One of the amendments in disagreement, Senate amendment No. 29, invades the jurisdiction of our Transportation Subcommittee because it would appropriate funds to a Department of Transportation program in a Department of Defense military construction bill. For that reason, I will, at the appropriate time, offer a motion to insist on the House position regarding amendment No. 29. The effect of my motion would be to delete the appropriation proposed by the Senate for the Coast Guard.

Mr. Speaker, we went into conference with 250 items in disagreement which amounted to $1.5 billion. In other words, if we were to agree to the high mark of the Senate or House recommendations that were before us in conference, we would exceed our allocation by $750 million. So, we had to compromise on a package that in effect dropped many projects from the House-passed recommendation. The Senate had to, likewise, drop many of their project recommendations. We did the best we could do, given the budget constraints we had to work with.

Regarding authorization, let me say that we have had an excellent relationship with the Armed Services Committee over the years in coordinating and reflecting their priorities. This year is no exception.

Members should realize that while the conference agreement is $628 million under last year's level, the military construction portion of the bill is $1.2 billion under last year's level. In contrast to reductions in military construction, base closure funding in the amount of $2.7 billion constitutes an increase over last year's level by $501 million.

I would also note that this conference agreement provides funding in the amount of $2.8 billion to operate and maintain a housing inventory of about 400,000 existing units.

When funding for family housing operation and maintenance is combined with base closure funding, these two segments of the bill constitute about 62 percent of the bill.

The conference agreement provides for many current mission and new mission requirements. Some of the features are: New barracks to replace vintage structures; environmental compliance projects to meet more stringent State and Federal environmental laws; new family housing units which is an important quality of life feature; child development centers which constitute an important quality of life feature; energy conservation initiative which has a great payback in energy savings; medical facilities such as hospitals and clinics which constitute an important quality of life feature; and initial funding for chemical weapons destruction facilities at two locations.

With regard to infrastructure funding for the North Atlantic Treaty Organization, the conference agreement provides for $119 million which is a reduction of $21 million under last year's level and $100 million less than requested by the administration.

I want to express my appreciation to all the members of the Subcommittee and especially our ranking minority member, Mrs. VUCANOVICH. It is a pleasure to work with the gentlelady. This is why we are presenting to you a bipartisan conference report and good agreement given the budget constraints we have to work with. I also want to thank Chairman OBEY for his leadership so that we can bring this conference report to the floor.

Below is a comparative statement of budget authority.

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1995 (H.R. 4453)

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Military construction, Army	906,676,000	690,576,000	623,511,000	489,076,000	550,476,000	-356,200,000
Rescission 1/ 2/	-36,219,000					+36,219,000
Total, Military construction, Army (net)	870,457,000	690,576,000	623,511,000	489,076,000	550,476,000	-319,981,000
Military construction, Navy	681,373,000	320,470,000	462,701,000	340,455,000	385,110,000	-296,263,000
Rescission 1/ 2/	-136,596,000					+136,596,000
Total, Military construction, Navy (net)	544,777,000	320,470,000	462,701,000	340,455,000	385,110,000	-159,667,000
Military construction, Air Force	1,021,567,000	357,313,000	514,977,000	525,863,000	516,813,000	-504,754,000
Rescission 1/ 2/	-54,882,000					+54,882,000
Total, Military construction, Air Force (net)	966,685,000	357,313,000	514,977,000	525,863,000	516,813,000	-449,872,000
Military construction, Defense-wide	562,008,000	481,729,000	487,169,000	561,039,000	504,118,000	-57,890,000
Rescission 1/ 2/	-29,163,000					+29,163,000
Total, Military construction, Defense-wide (net)	532,845,000	481,729,000	487,169,000	561,039,000	504,118,000	-28,727,000
Total, Active components (net)	2,914,764,000	1,850,088,000	2,088,358,000	1,916,433,000	1,956,517,000	-958,247,000
Military construction, Army National Guard	302,719,000	9,929,000	134,235,000	170,479,000	188,062,000	-114,657,000
Rescission 2/	-7,568,000					+7,568,000
Total, Military construction, Army National Guard (net)	295,151,000	9,929,000	134,235,000	170,479,000	188,062,000	-107,089,000
Military construction, Air National Guard	247,491,000	122,770,000	209,843,000	257,825,000	249,056,000	+1,565,000
Rescission 2/	-6,187,000					+6,187,000
Total, Military construction, Air National Guard (net)	241,304,000	122,770,000	209,843,000	257,825,000	249,056,000	+7,752,000
Military construction, Army Reserve	102,040,000	7,910,000	39,121,000	40,870,000	57,370,000	-44,670,000
Rescission 2/	-2,551,000					+2,551,000
Total, Military construction, Army Reserve (net)	99,489,000	7,910,000	39,121,000	40,870,000	57,370,000	-42,119,000
Military construction, Naval Reserve	25,029,000	2,355,000	12,348,000	18,355,000	22,748,000	-2,281,000
Rescission 2/	-626,000					+626,000
Total, Military construction, Naval Reserve (net)	24,403,000	2,355,000	12,348,000	18,355,000	22,748,000	-1,655,000
Military construction, Air Force Reserve	74,496,000	28,190,000	56,378,000	45,840,000	57,076,000	-17,420,000
Rescission 2/	-1,872,000					+1,872,000
Total, Military construction, Air Force Reserve (net)	72,624,000	28,190,000	56,378,000	45,840,000	57,076,000	-15,548,000
Total, Reserve components (net)	732,971,000	171,154,000	451,925,000	533,369,000	574,302,000	-158,669,000
Total, Military construction (net)	3,647,735,000	2,021,242,000	2,520,283,000	2,449,802,000	2,530,819,000	-1,116,916,000
Appropriations	(3,923,389,000)	(2,021,242,000)	(2,520,283,000)	(2,449,802,000)	(2,530,819,000)	(-1,392,570,000)
Rescissions	(-275,654,000)					(+275,654,000)
North Atlantic Treaty Organization Infrastructure	140,000,000	219,000,000	119,000,000	219,000,000	119,000,000	-21,000,000
Family housing, Army:						
Construction	228,885,000	152,402,000	160,602,000	173,502,000	170,002,000	-58,883,000
Operation and maintenance	1,069,601,000	1,121,208,000	1,121,208,000	1,065,708,000	1,013,708,000	-55,893,000
Portion applied to debt reduction	-412,000					+412,000
Total, Family housing, Army	1,298,074,000	1,273,610,000	1,281,810,000	1,239,210,000	1,183,710,000	-114,364,000
Family housing, Navy and Marine Corps:						
Construction	370,208,000	229,295,000	269,035,000	229,295,000	267,465,000	-102,743,000
Operation and maintenance	772,055,000	853,599,000	853,599,000	937,599,000	937,599,000	+165,544,000
Rescission 1/	-40,371,000					+40,371,000
Total, Family housing, Navy (net)	1,101,892,000	1,082,894,000	1,122,634,000	1,166,894,000	1,205,064,000	+103,172,000
Family housing, Air Force:						
Construction	187,035,000	252,993,000	276,482,000	273,355,000	277,444,000	+90,409,000
Operation and maintenance	790,912,000	801,345,000	801,345,000	824,845,000	824,845,000	+33,933,000
Rescission 1/	-55,102,000					+55,102,000
Total, Family housing, Air Force (net)	922,845,000	1,054,338,000	1,077,827,000	1,098,200,000	1,102,289,000	+179,444,000
Family housing, Defense-wide:						
Construction	159,000	350,000	350,000	350,000	350,000	+191,000
Operation and maintenance	26,337,000	29,031,000	29,031,000	29,031,000	29,031,000	+2,694,000
Total, Family housing, Defense-wide	26,496,000	29,381,000	29,381,000	29,381,000	29,381,000	+2,885,000

MILITARY CONSTRUCTION APPROPIATIONS BILL, 1995 (H.R. 4453), continued

	FY 1994 Enacted	FY 1995 Estimate	House	Senate	Conference	Conference compared with enacted
Homeowners Assistance Fund, Defense	151,400,000					-151,400,000
Total, Family housing (net)	3,500,707,000	3,440,223,000	3,511,652,000	3,533,685,000	3,520,444,000	+19,737,000
Construction	(786,267,000)	(635,040,000)	(706,469,000)	(678,502,000)	(715,281,000)	(-71,026,000)
Operation and maintenance	(2,658,905,000)	(2,805,183,000)	(2,805,183,000)	(2,857,183,000)	(2,805,183,000)	(+146,278,000)
Rescissions	(-95,473,000)					(+95,473,000)
Applied to debt reduction	(-412,000)					(+412,000)
Homeowners Assistance Fund	(151,400,000)					(-151,400,000)
Base realignment and closure accounts:						
Part I	12,830,000	87,600,000	87,600,000	87,600,000	87,600,000	+74,770,000
Part II	1,526,310,000	265,700,000	265,700,000	265,700,000	265,700,000	-1,260,610,000
(By transfer)		(133,000,000)	(133,000,000)	(133,000,000)	(133,000,000)	(+133,000,000)
Part III	1,144,000,000	2,322,858,000	2,322,858,000	2,322,858,000	2,322,858,000	+1,178,858,000
Rescission 2/	-507,692,000					+507,692,000
Total, Base realignment & closure accounts (net)	2,175,448,000	2,676,158,000	2,676,158,000	2,676,158,000	2,676,158,000	+500,710,000
Procurement: General provisions 3/		-10,421,000	-10,421,000	-41,921,000	-10,421,000	-10,421,000
Grand total (net)	9,463,890,000	8,346,202,000	8,816,872,000	8,836,724,000	8,836,000,000	-627,890,000
Appropriations	(10,343,121,000)	(8,346,202,000)	(8,816,872,000)	(8,836,724,000)	(8,836,000,000)	(-1,507,121,000)
Applied to debt reduction	(-412,000)					(+412,000)
(By transfer)		(133,000,000)	(133,000,000)	(133,000,000)	(133,000,000)	(+133,000,000)
Rescission 1/ 2/	(-878,819,000)					(+878,819,000)

1/ Includes rescissions from P.L. 103-110
2/ Includes rescissions from P.L. 103-211
3/ Budget amendment submitted 3/15/94 (H.Doc. 103-220, page 10)

□ 1650

Mr. HEFNER. Mr. Speaker, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join Mr. HEFNER in bringing to the floor today the conference report making appropriations for military construction for fiscal year 1995.

This conference agreement is a good compromise in a year when our allocation over last year was significantly reduced. Within this limited allocation, we have been successful in providing for the needs of the men and women who serve their country, while striving to maintain and improve our military infrastructure.

Chairman HEFNER has outlined the highlights of the bill so I will not be repetitive. But I want to point out that in crafting this bill, we have worked closely with the Armed Services Committee in order to move the bill forward. This cooperation has been invaluable and appreciated.

As always, I want to thank my chairman for his leadership and cooperation in crafting this legislation. And, the hard work and professionalism of the staff make this product possible.

Military construction is an investment program that has significant payback in economic terms, in better living and working conditions for our military personnel, and in environmental restoration. This bill meets these goals in a difficult year, and I urge my colleagues to support this conference report.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report on the fiscal year 1995 military construction appropriations bill. As a member of the Subcommittee on Military Construction, I want to thank Chairman HEFNER, our ranking minority member, Mrs. VUCANOVICH, and the subcommittee's staff, Mr. Bill Marinelli, Mr. Hank Moore, and Ms. Mary Arnold, for the outstanding job each of them has done in crafting this conference report.

As Mr. HEFNER stated previously, we had many competing demands for the scarce funds available for military construction projects in this bill. This conference report contains a total of $8.8 billion for military construction, family housing, and military base closure activities. The agreement is $628 million less than the fiscal year 1994 level. Despite all of the requests, we were able to craft a final bill that is balanced, under our 602(b) allocation, and which meets the critical needs of the military.

Mr. Speaker, I would also like to highlight two important projects in the bill which are crucial to constituents in my district. The first project is a near field test range at McClellan Air Base. This facility will enable McClellan to overhaul and repair large, ground-based phased array radar antennas up to 20 feet in diameter. The new facility will provide McClellan with the capability to meet long-term modernization objectives by providing state-of-the-art technology for new and existing workloads.

The second project is a major renovation of the Mather Air Force Base Hospital to update hospital systems to meet current safety standards. The hospital, which is now run by McClellan, was originally constructed in 1970 and has never undergone a major upgrade or renovation. The renovation will enable the hospital to continue to deliver high quality health care services to active duty and retired military personnel in the Sacramento area.

Each of the initiatives outlined above will help maintain McClellan Air Force Base as a critical defense asset and as an integral part of the Sacramento community

In closing, Mr. Speaker, I want to reiterate my strong support for this conference report and urge my colleagues to vote for this important military readiness bill.

Mr. PACKARD. Mr. Speaker, I support the fiscal year 1995 military construction appropriations conference report. The subcommittee has crafted a well-balanced bill that meets the needs of our armed services while respecting tight budget constraints.

I would like to thank chairman BILL HEFNER, BARBARA VUCANOVICH, and JOE MCDADE for their help to include funding in this bill for the Navy and Marine Corps in southern California, particularly for Marine Corps Base Camp Pendleton.

In this era of a shrinking defense budget, we are placing more and more demands on the Marine Corps. Just since the Persian Gulf war, the Marine Corps has responded to about 20 crises. By comparison, during the cold war, the marines responded to about 3 to 4 crises a year. The funding included in this bill will help Pendleton marines meet their readiness mission.

I urge my colleagues to support the conference report.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HEFNER. Mr. Speaker, I have no further requests for time, and I move

the previous questions on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. CARDIN). The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 6: Page 3, line 14 strike out "$55,900,000" and insert "$53,886,000".

MOTION OFFERED MY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert $49,386,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 8: Page 4, line 7, after "construction" insert "or family housing".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 10: Page 4, line 24, strike out "$134,235,000" and insert "$170,479,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 10 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$188,062,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 13: Page 5, line 14, strike out "$39,121,000" and insert "$40,870,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert $57,370,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 14: Page 5, line 15, after "1999" insert ": *Provided*, That of the funds appropriated for 'Military Construction, Army Reserve, 1992/1996', $1,500,000 shall be transferred to 'Military Construction, Army National Guard, 1992/1996' for the same purposes as the appropriation to which transferred".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 15: Page 5, line 22, strike out "$12,348,000" and insert "18,355,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert $22,748,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 16: Page 6, line 6, strike out "$56,378,000" and insert "$45,840,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert $57,066,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 19: Page 7, line 3, strike out "$1,121,208,000" and insert "$1,065,708,000."

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert $1,013,708,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 7, line 3, strike out "$1,281,810,000" and insert "$1,239,210,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert $1,183,710,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 23: Page 7, line 14, strike out "$1,122,634,000" and insert "$1,166,894,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of

the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert $1,205,064,000.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 24: Page 7, line 22, strike out "$276,482,00" and insert "$273,355,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$277,444,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 27: Page 8, line 2, strike out "$1,077,827,000" and insert "$1,098,200,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 27 and concur therein with an amendment, as follows:

In lieu of the sum stricken and inserted by said amendment, insert "$1,102,289,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 29: Page 17, strike out lines 10 to 15 and insert:

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 124. In addition to amounts appropriated or otherwise made available by this Act, $25,100,000 is appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard, to remain available until expended, to defray expenses for the consolidation of United States Coast Guard functions in Martinsburg, West Virginia, including planning, acquisition, construction, relocation of personnel and equipment and other associated costs: Provided, That of the funds appropriated for "Military Construction, Naval Reserve" under Public Law 102-136, $25,100,000 are rescinded.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House insist on its disagreement to the amendment of the Senate numbered 29.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 31: Page 18, strike out lines 6 to 17 and insert:

SEC. 126. LAND CONVEYANCE, NAVAL RESERVE CENTER, SEATTLE, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Seattle, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, consisting of approximately 5.09 acres, the location of the Naval Reserve Center, Seattle, Washington.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion of the real property to be conveyed under subsection (a) that is described in paragraph (2).

(2) Paragraph (1) applies to the portion of the parcel of real property referred to in subsection (a) that consists of approximately 3.67 acres and was acquired by the United States from a party other than the City.

(c) CONDITION.—The conveyance authorized by subsection (a) shall be subject to the condition that the City accept the real property in its condition at the time of conveyance.

(d) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not make the conveyance authorized by subsection (a) until the commencement of the use by the Navy of a Naval Reserve Center that is a suitable replacement for the Naval Reserve Center located on the property to be conveyed.

(2) The Secretary may not commence construction of a facility to be the replacement facility under paragraph (1) for the Naval Reserve Center until the Secretary completes an environmental impact statement with respect to the construction and operation of the facility to be the replacement facility.

(e) PAYMENT FOR COMMERCIAL USE.—If at any time after the conveyance under this section the City ceases utilizing the real property conveyed under subsection (a) for public purposes, and uses such real property instead for commercial purposes, the City shall pay to the United States an amount equal to the excess, if any, of—

(1) an amount equal to the fair market value (as determined by the Secretary) of the real property referred to in subsection (b)(2), and any improvements thereon, at the time the City ceases utilizing the real property for public purposes, over

(2) the amount determined by the Secretary under subsection (b)(1).

(f) USE OF PROCEEDS.—Proceeds from the sale shall be deposited in the Treasury of the United States.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—(1) The Navy may scope more than one site.

(2) The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein 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 SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 32. Page 18, after line 17, insert:

SEC. 127. LAND TRANSFER, WOODBRIDGE RESEARCH FACILITY, VIRGINIA.

(a) REQUIREMENT OF TRANSFER.—Notwithstanding any other provision of law, the Secretary of the Army shall transfer, without reimbursement, to the Department of the Interior, a parcel of real estate consisting of approximately 580 acres and comprising the Army Research Laboratory Woodbridge Facility, Virginia, together with any improvements thereon.

(b) USE OF TRANSFERRED PROPERTY.—The Secretary of the Interior shall use appropriate parts of this real property for (1) incorporation into the Mason Neck Wildlife Refuge and (2) work with the local government and the Woodbridge Reuse Committee to plan any additional usage of the property, including an envrionmental education center: Provided, That the Secretary of the Interior provide appropriate public access to the property.

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows:

In lieu of the section designation "SEC. 127.", insert "SEC. 129.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

□ 1700

APPOINTMENT OF CONFEREES ON H.R. 4506, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1995

Mr. BEVILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4506) making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. CARDIN). Is there objection to the request of the gentleman from Alabama?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. MYERS OF INDIANA

Mr. MYERS of Indiana. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MYERS of Indiana moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 4506 be instructed to insist upon the provisions contained in the House bill under the heading "General Science and Research Activities" that provide $279,399,000 for high energy physics facility operating expenses.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. MYERS] will be recognized for 30 minutes.

For what purpose does the gentleman from Indiana [Mr. SHARP] rise?

Mr. SHARP. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. Is the gentleman from Alabama [Mr. BEVILL] in opposition to the motion?

Mr. BEVILL. No, Mr. Speaker, I am supportive of the motion.

The SPEAKER pro tempore. The Chair will divide the time in thirds, each Member receiving 20 minutes, one-third of the time.

The gentleman from Indiana [Mr. MYERS] is recognized for 20 minutes.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion I have offered on behalf of our committee is a rather simple motion to insist upon the House position on high energy physics. During the past several years we have seen that the research being done by our national labs around the country has been either frozen at the past level, or the effect has been a decrease in the effectiveness of our labs. What we have attempted to do here in our bill was to increase slightly this year the research which is so vital to the future energy needs for our country, so that this research will be done in our national labs.

In the House version, we had $279,400,000 for operating these national labs. The Senate cut this back to $268 million, which was just about the same as last year. In fact, it might be just a bit less than we actually appropriated last year.

The impact, because of cost of living, it means we are getting less research for the energy that our children and grandchildren are going to need, and for the ability for us to compete in the world markets today. We have to continually work to find cheaper, more efficient, more effective ways, not only of producing energy, but of transmitting energy from generation stations, as in the case of electricity.

Mr. Speaker, this is just very vital research our Nation does need to continue to be competitive. What I am attempting to do here is to instruct our conferees to insist upon the House position, which is about $11.4 million more than the Senate had in their bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SHARP. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I and some of our colleagues are rising today to ask the House to vote in opposition to the previous question on the motion offered by the gentleman from Indiana [Mr. MYERS], so we can amend the motion. While we do not directly oppose what he is trying to do, we think it is very important for the House to confirm today its position that it has, on four specific occasions, voted to take, which was included in the energy and water appropriations of this bill, and that was to terminate the advanced liquid metal reactor.

Mr. Speaker, we are going to take our time of the 20 minutes to explain once again those arguments, and ask our colleagues to vote "no" on the previous question. At that point we will offer a motion to instruct the conferees to stay with the position that it has in the House bill and that we support, in dealing with the Senate. The ALMR barely survived in the Senate, and while the House has overwhelmingly voted to eliminate this Program.

Mr. Speaker, I wish to thank the gentleman from Alabama and the gentleman from Indiana. The Energy and Water Subcommittee has confirmed the will of the House and the request of the President and the Department of Energy to provide funding to terminate the Advanced Liquid Metal Reactor program.

It is to support this decision that we come today to offer a motion to instruct the conferees to stand by the House position. In order to win the right to offer this motion to instruct, we must defeat the previous question on the motion which has been offered by the gentleman from Indiana [Mr. MYERS].

I wish to assure that gentleman, the committee, and the House that we are not in opposition to the motion offered by Mr. MYERS, but simply wish to win the right to offer our motion to uphold the House position.

The House has voted four times to terminate this project: Once when it passed this bill; once when it passed the reinventing government bill last year, and twice when considering the energy and water appropriations bill last year.

At that time we offered an amendment to cut funding for this project. It passed by 272 to 146 in the Committee of the Whole and later by a similar margin in the House.

The Senate last year voted to continue funding the project by the narrow margin of 53 to 46. In spite of the narrow margin in the Senate, the conference report included funding for the ALMR.

This year the committee decided to support the decision of the President and the position of the House and to terminate the program. The Senate, however, by the narrow margin of 52 to 46, voted to continue the program, calling that continuation phased termination.

There are those in the Senate with a strong commitment to this program and they will be insistent. It is for this reason that we come to you today asking you to help strengthen the hand of our House negotiators by giving them a clear vote in support of the House position to terminate the ALMR. Let us bring this program to a halt once and for all.

I also wish to make clear that this effort is not undertaken out of opposition to nuclear power or nuclear research programs. I have long supported other nuclear research programs, such as the Advanced Light Water Reactor Program, and continue to do so. There is funding within this legislation for other reactor programs. It is only the ALMR we seek to terminate here.

How does the ALMR measure up as a method for high level nuclear waste disposal?

Proponents have argued that the ALMR could be used to burn the actinides in high level nuclear waste, making it easier to dispose of. On the contrary, while plutonium is burned, more fission products are produced, that are more likely to leak.

The ALMR can fission, or burn uranium and plutonium. However, it must be made clear that these elements are not the source of greatest concern in high level waste disposal. In fact, fission products, which are other very long-lived elements such as technicium, curium, and americium, iodine, and cesium are far more difficult to deal with. These elements are water soluble and would increase emissions from a repository, thus increasing the dosage to the public.

Even if all the uranium and plutonium were burned out of the waste it would still have to be placed in a repository, and the content of elements most likely to leach out would be greater. In other words, the waste would be more dangerous to the public and would make a repository harder to license.

On top of that, there would be more waste to dispose of with the ALMR as a waste disposal technique. The DOE has reported that there would be as much as 1.3 to 2.3 times a much waste for disposal with the ALMR as without it.

In addition, it would cost more. The Edison Electric Institute concluded last year that the ALMR could increase the cost of the disposal program by as much as four times.

The National Academy of Sciences estimates that it would take twenty 1,000 megawatt reactors 100 years or more to destroy more than 90 percent of the actinides. Each of

these would have to be replaced during that 100 years at least once. That would require more reactors.

So it would take over 100 years; would require construction of a massive new infrastructure; would leave more waste than you started with; the waste would be more difficult to control, creating a more serious threat to the environment, and it would cost more to burn the actinides.

How does the ALMR measure up as a method for plutonium disposal and proliferation?

As we enter the 21st century, few issues are more pressing than the spread of nuclear weapons to nations which do not currently have them. Recent and continuing headlines have featured the tense standoff between the United States and international inspectors with North Korea over their production of plutonium for bombs. Just 2 years ago we were at war with Iraq, with one of the justifications the stopping of Saddam Hussein's nuclear weapons development program. We can expect to see more stories about countries trying to gain nuclear weapons capability.

There are two primary concerns for weapons proliferation. One is that bomb-ready materials can be stolen and made into bombs. The other is that nations will acquire the technology to manufacture their own materials for bombs. The ALMR fails on both counts.

About 150 tons of plutonium will be left from the dismantling of American and Russian nuclear weapons. Some have said that the ALMR could be used to dispose of this plutonium by burning it as fuel.

A quote from the fission working group of the DOE plutonium disposition task force goes directly to the point: "It is interesting to note that the options with the greatest annihilation capability also have the greatest diversion risk."

Burning the plutonium would require the development, design, testing, construction, and deployment of a large number of reactors. The Department of Energy committee called for 27 160 megawatt reactors. That would take decades, just to get started disposing of this material.

The NAS, in a study released earlier this year pointed to two alternatives as preferable for this purpose. One is the mixing of the plutonium with fuel for existing commercial light water reactors. The other is mixing the plutonium with existing high level waste for glassification and disposal. Both of these options use existing facilities, cost little, and could be started up almost immediately.

Recent stories about a few ounces of plutonium found in a German garage are chilling. Evidently, the plutonium was stolen from the Russian weapons system. We need to get with whatever is the quickest way to render this material diversion-proof. The ALMR does not represent the quickest way, nor the cheapest way, nor the surest way.

As to the other threat, that of foreign nations acquiring the technology to build weapons, no other system is as vulnerable. The ALMR is a breeder reactor which creates more plutonium than it consumes. It can be used to burn plutonium, but it is a breeder and in the wrong hands it will be used as such to manufacture weapons material.

Our national policy is to discourage the use and spread of plutonium technologies. The ALMR system envisioned by its proponents would require the construction of a large infrastructure of reactors and reprocessing plants. It would keep plutonium cycling through the system for decades, or even in perpetuity.

The urgent need to prevent the spread of nuclear weapons is sufficient reason to terminate this program in and of itself. This is why the President has decided to request termination.

The ALMR, then, does not provide as much protection against theft as other alternatives, does not provide it as quickly, would require the construction of a massive infrastructure and would cost more.

The ALMR is in and of itself a breeder reactor and perpetuates the threat of proliferation by cycling plutonium through the system and by giving proliferation bent nations a technology for development of weapons materials.

What are the consequences of using the ALMR as a breeder?

Proponents of the program claim that it should be developed to create a system of breeder reactors which would provide an unlimited supply of fuel for the future.

Enough has been said about the concerns over nuclear weapons proliferation to make this picture of a plutonium economy which cycles this most dangerous of bomb materials endlessly through our society that I think we should be able to dismiss that future entirely.

If that is not enough, though, let me point to the study done by the Electric Power Research Institute which concluded that the ALMR is not commercially competitive with light water reactors and will not be for the foreseeable future.

A more competitive electricity industry, new highly efficient generation technologies already on the market, and technologies on the verge of development, such as the hydrogen fuel cell, make pinning hopes of this technology highly speculative, at best.

The ALMR is proliferation prone, increases nuclear waste, costs more than alternatives. The ALMR is not the technology of the future. We should not support deployment of the ALMR system.

Should we terminate immediately as is the House position or pursue phased termination?

There are two questions in any research program aimed at development of a project: First, should we develop the program?

Second, how do we develop the program. If you answer the first question with a no, you never have to get to the second question. If you know you are not going to build a project, you don't have to figure out how to build it.

The Secretary of Energy has stated in a letter to Chairman BEVILL that the Department has decided not to proceed with this technology, primarily because of concerns about nuclear proliferation.

Most of the defense of the "phased termination" option centers around the claim that finishing the research currently under way would cost less than immediate termination.

Recent fact sheets circulated by the DOE should lay that question to rest.

The argument for cost savings depends on a contribution from a Japanese consortium of $60 million over the life of the program.

The Japanese contribution was negotiated—no contract was ever signed—as a contribution to a continuing program which would culminate in the construction of the integrated fast reactor. There has never been any discussion of a contribution to the "phased termination" proposal of the Senate bill.

This contribution, then, is entirely speculative.

Without Japanese participation the phased termination costs anywhere from $27.7 to $55 million more than the immediate termination in the House approach.

For fiscal year 1995 the House has provided $83.8 million for termination. The Senate has provided $98.8 million and instructed the DOE to get $15 million from the Japanese. The House bill saves $15 million over the Senate bill and is $30 million less than the program outlined in the Senate bill.

Over the life of the project, assuming construction of the IFR, DOE estimates that immediate termination would save $3 billion.

Should we instruct the conferees?

One of the hardest things to do in the Congress is to terminate programs that no longer serve their function. We are castigated for that fact regularly in the press and by the public.

We have here before us the opportunity to do that hardest thing. We can terminate this program, save money, prevent nuclear weapons proliferation, prevent making our nuclear waste disposal program worse and support our previous position all at once.

We must terminate this program. It is the position of the President. It is the position of the Secretary of Energy. It is the position of the many outside groups, including the National Taxpayers Union, Citizens Against Government Waste, the League of Conservation Voters, the Sierra Club, the United Methodist Church, the Natural Resources Defense Council, U.S. Public Interest Research Group, Public Citizen, Environmental Action, the Nuclear Control Institute, Safe Energy Communications Council, Nuclear Information and Resource Service, and on, and on. It is also the position of the New York Times, the Washington Post, the Los Angeles Times, the Oregonian, the Atlanta Journal and dozens of other newspapers across the country.

Most important, it is the position of this body. The House has already decided to terminate the project and expressed that decision in four separate votes in the last 2 years.

I urge you to strengthen the hand of the House conferees.

I urge you to support the House position. I urge you to vote to instruct the conferees.

Vote first to defeat the previous question on Mr. MYERS' motion.

Then to vote to instruct the conferees by adding the Sharp-Coppersmith-Hamilton-21 motion as an amendment.

Vote to defeat the previous question.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Speaker, as Yogi Berra said, I believe more than once, "it's deja vu all over again." Members will recall that this House has faced the issue on the floor today several times before. Even without the benefit of repetition, the issue remains

simple. It is about priorities. It is whether we can eliminate Federal programs that no longer make sense, so we can concentrate on the ones that do, and reduce the deficit we are leaving to our children.

It should not be this hard, or take this long, to kill a program, but it is and it does. This House has voted overwhelmingly three times to terminate the advanced liquid metal reactor. With three overwhelming House votes, with the President and Department of Energy finally and firmly committed to termination, and with all the problems we face funding even the best programs, the ALMR program finally should end.

But it is still going, because the game in Washington makes it far too easy to keep programs alive, no matter their merits. Last year, after the House vote, the other body actually increased ALMR funding, and this year it voted again by a narrow margin, to keep the ALMR program alive.

The evidence for terminating the ALMR has gotten only stronger since last year. Both the Office of Technology assessment and the National Academy of Sciences have criticized the idea that the ALMR could dispose of weapons plutonium. The nuclear concerns in North Korea and elsewhere have made the proliferation problems caused by the ALMR even more urgent, a point the Secretary of Energy and the distinguished chairmen of the House Armed Services Committee and the Foreign Affairs Committee all have made.

From a budget perspective, the case against the ALMR has become stronger as well. DOE has spent nearly $9 billion on liquid metal reactors since 1948, but the technology still has no economic prospects. DOE estimates taxpayers will have to pay well over $3 billion more to finish the ALMR Program, and completing just the current phase would cost the taxpayers over $27 million more than terminating it now.

Proponents will try to claim, in what the Washington Post called a classic congressional dodge, that it is cheaper to continue for another several years, but DOE's own number show savings from immediate termination, and the Congressional Budget Office last year scored immediate termination as savings $318 million over 5 years.

But you do not have to trust DOE or CBO. Trust your common sense. Imagine explaining to your constituents that you think keeping a Federal program going for at least another 4 years is less expensive than shutting it down now.

We have had this debate before. We decided to kill the ALMR. The budget is even tighter now; the scientific evidence is even stronger; and the President and Department of Energy finally agree. The ALMR is not a priority, and it must go. Let us not waste another year of taxpayer funding by not eliminating this unnecessary program. To quote Mr. Berra again, it will not be over until it is over. Well, today it is time again to make our votes stick, to stand up to the other body, and to insist on setting at least one priority straight.

I urge my colleagues: Vote "no" to defeat the previous question. Vote for the Sharp-Coppersmith-Klug-Hamilton motion to instruct.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL], who has worked very hard on some of these programs.

Mr. FAWELL. Mr. Speaker, I rise in support of the Myers motion to instruct conferees and in support of the Senate position with regard to the Advanced Liquid Metal Reactor/Integral Fast Reactor [ALMR/IFR] Program.

I want to make two points.

First, the House's 4-year plan to shut down the program at the end of fiscal year 1998 would cost $332 million. The Senate's plan, which would also shutdown the program at the end of fiscal year 1998, would provide for $60 million in Japanese cost-sharing and would allow completion of the authorized research at a cost of $327.8 million, a savings of $4.2 million, including a savings of $5.9 million in fiscal year 1995. Thus, the House's plan makes no economic or fiscal sense.

Second, the Senate's plan is sound science and sound nuclear nonproliferation policy. There is an expanding amount of plutonium in the world today. The United States and Russia alone plan to retire thousands of nuclear weapons over the next decade, making available 100 metric tons or more of pure weapons plutonium metal. By the year 2000 over 1,000 tons of LWR-produced plutonium will exist in spent LWR fuel over and above some 900 tons of LWR-produced plutonium in spent fuel which exists today.

And the world inventory of reactor plutonium will continue to escalate at an ever-increasing rate as the use of nuclear power inevitably expands in many countries world-wide. This is so even if this Nation never builds another nuclear powerplant.

The ALMR/IFR is the only nuclear technology under research today that offers the world the prospect of totally destroying plutonium while safely and efficiently producing electricity. Indeed, I know of no technology of any sort which promises to fully destroy plutonium.

The ALMR/IFR's fuel cycle is also strongly proliferation resistant because first, it efficiently recycles and burns highly radioactive wastes, including plutonium, on-site and second, because the plutonium in the system never exists in its pure form and is recycled as a fuel and ultimately destroyed on site.

In contrast, conventional LWR's use an off-site Purex reprocessing to separate plutonium from spent fuel waste where diversion of pure plutonium is a proliferation concern.

More important, the ALMR/IFR is good science because, while destroying plutonium, it can generate electricity and cut the volume of nuclear waste to one-fourth of that produced by the current conventional LWR. In addition, what low-level waste is left will decay in 100 years rather than many thousands of years, and this low-level-low-volume waste could be stored at the reactor site. Also, the ALMR/IFR reactor, unlike the conventional LWR, will be passively safe; that is, if an accident were to occur and a nuclear chain reaction were to start, as at Chernobyl, it would shut itself off without any human intervention.

Thus, the ALMR/IFR Program is both a sound U.S. energy policy as well as a sound nonproliferation policy. Yet opponents condemn the ALMR/IFR because one of the fuels it uses is plutonium, while ignoring all of the sound scientific principles just referred to.

There are, of course, other options to dispose of plutonium that are under review. These include: indefinitely storing nuclear warheads; cycling plutonium once through a reactor and burying the highly radioactive spent fuel in a repository; vitrifying plutonium with high-level waste and burying it in a repository; dropping canisters of plutonium in deep boreholes in the Earth's crust; burying it under the seabed; detonating nuclear warheads underground; launching it into space; diluting it in the ocean, and so forth. All of these options have their own set of difficulties and none have the long-term promise of the ALMR/IFR.

Vote yes on the motion on the previous question and vote yes on the Myers motion to instruct conferees. Let us not turn our backs on this long-term technology. It is fiscally sound as well as being significant energy and nonproliferation policy. I urge support of the motion to instruct offered by the gentleman from Indiana [Mr. MYERS], and a yes vote for the previous question.

□ 1710

Mr. SHARP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER], chairman of the Committee on Natural Resources.

Mr. MILLER of California. Mr. Speaker, the unmistakable will of the House on this issue has been frustrated for too long. Since the House voted overwhelmingly to discontinue the ALMR project twice last year, the case against continued funding has only become stronger. Both the NAS and the OTA have released reports that are highly critical of the idea of using the ALMR Program for plutonium disposition or other nuclear waste disposal.

In addition, our current difficulties with North Korea amply demonstrate the folly of advancing a new reactor technology that is based on a plutonium fuel cycle. Much argument has been heard about whether or not the ALMR is a breeder reactor. The clear fact is that it was originally conceived as a breeder reactor, and can easily be turned back into one. Particularly since the world is glutted with uranium, there is no reason to bear either the economic or proliferation costs of a plutonium fuel cycle.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER], who serves on the authorizing committee.

Mr. WALKER. Mr. Speaker, this is another one of these situations where the killing off of research and development is a serious matter, and it will preclude in this particular case much of the nuclear option for this Nation's future. In fact, in this particular case, I am not certain that this ill-advised crusade even makes much sense.

First of all, the conferees should be given a chance to work out the best deal for the taxpayers. It is a complicated issue before us. The administration has raised its cost estimate to terminate and the Japanese are now offering to cost-share the program. Let us at least have some work by the conferees. Let us not prejudge them and allow them to work out something here.

Second, in spite of all the protestations to the contrary, it is both cheaper in 1995 and over the next 4 years to complete the program than to break the contracts and pay termination liability. We should not be charging the taxpayers even more money to grandstand on an empty, symbolic gesture, and that is exactly what we have been doing if we terminate this program at this point.

Third, the program is fully authorized in Public Law 102-486, the Energy Policy Act of 1992. This was the bill of the gentleman from Indiana [Mr. SHARP]. Section 2122 of that particular authorization reads and I quote:

> The Secretary shall conduct a program to encourage the deployment of advanced nuclear reactor technologies. The goals of the program established under subsection (a) shall include for the near term to facilitate the completion of submissions by September 30, 1996 for the preliminary design approvals by the commission of standardized designs for the modular high temperature gas cooled reactor technology and the liquid metal reactor technology.

So this is fully authorized by the bill of the gentleman from Indiana [Mr. SHARP] and ought not be brought out here with some idea that there is not an appropriate authorization.

Fourth, the termination of this program would leave some of our top research facilities as nothing but empty shells without any mission and would backtrack from this Nation's need to have advanced research. If we are going to be an advanced nation, we need every energy option for our future economic growth, and this amendment throws one away completely. The one they are throwing away happens to represent 22 percent of the energy that this country consumes today.

To throw away that unnecessarily on this floor and to do so in total violation of the authorization bill that we put in effect less than 2 years ago seems to me to be beyond penny wise and pound foolish. In my view, it is just plain dumb.

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise today to urge my colleagues to support the motion for the previous question.

Mr. Speaker, what we are talking about here is a research program referred to as the integral fast reactor, or IFR.

The question is whether we should conclude the program in a thoughtful, fiscally prudent manner, or whether we should toss the baby out with the bathwater.

About $800 million have been spent on the development of the IFR since 1986. The initial money was used to conduct small-scale research and then, later, to conduct confirmation experiments in larger sized equipment.

Much of the recent funding has gone to building and installing engineering-scale equipment at the Argonne West facilities in Idaho. This scaled-up equipment is designed to carry out the crucial and final proof-of-concept experiments for the IFR technology. These experiments are scheduled to begin in September.

If the research on the IFR is abandoned at this time, essentially all of the investment to date will be a total waste.

To date the IFR has proceeded on budget, and on schedule. There is no reason to expect that will not continue to be the case.

In other words, we can say with great confidence that if we continue to collect data during through the concluding years of the project, we will reach the goal of knowing whether the technology can be integrated and scaled up.

Answering this question—the original question—can take place at the same time that we continue systematic, cost-effective shutdown procedures.

We will apply for the necessary permits for termination, and we will begin to redirect the activities of the staff as appropriate, in productive, useful alternate directions.

I contrast this careful, thoughtful, fiscally prudent approach, which embraces cost sharing by industry and allied governments, with the panic-driven, irrational stampede of some opponents to abandon the IFR technology.

Your vote today is more about how we explore new ideas than about your final position on the IFR. I happen to agree with scientists at Oak Ridge and Lawrence Livermore National Laboratories that the IFR is less of a proliferation threat than the existing technology which it is designed to replace. But you need not have reached that conclusion.

Today, let us simply acknowledge that it does not make sense to say, in essence, that scientists cannot continue to collect data as we bring the program to a close.

If we accept the Senate provision, we will complete the experiments that define the boundaries of the technology.

If we accept the Senate provision, we will complete the research for less money than it takes to shut down immediately.

Mr. Speaker, the AFL-CIO; the Oil, Chemical & Atomic Workers; and the International Brotherhood of Electrical Workers, among many others, are correct.

Southern California Edison, Duke Power, Boston Edison, Commonwealth Edison, and literally dozens of other utilities are correct.

The National Academy of Sciences, the National Association of Regulatory Utility Commissioners are correct.

They all say: Completion of the IFR is the prudent choice. I urge my colleagues to resist the effort to terminate this program prematurely.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the taxpayers of this country want to know what it takes to kill a pork barrel program.

The House has voted four times to terminate the Advanced Liquid Metal Reactor Program. Yet, once again, the ALMR has a chance to get funding—unless we vote for a fifth time to kill it.

Let us be clear. If we terminate the ALMR, American taxpayers will save at least $2.9 billion.

With a $4.6 trillion national debt, this body must have the courage to say no to wasteful spending programs. The ALMR is such a program.

It is not a cost effective or efficient way to deal with nuclear waste.

It is not an economical resource for generation of electricity.

It does threaten our environment and increase the risk of nuclear proliferation.

Mr. Speaker, I ask my colleagues to join the National Taxpayers Union, Citizens Against Government Waste and a number of environmental organizations and vote to terminate the ALMR.

Vote against the previous question so that this body gets a chance to instruct

our conferees to hold firm to the House position to kill the ALMR.

□ 1720

Mr. MYERS of Indiana. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise to speak today in favor of Mr. MYERS' motion to instruct the energy and water appropriations conferees. Continued support for high energy physics is necessary to keep the United States at the forefront of the global marketplace. Research in high energy physics allows this country to continue to be a world leader in medical research and manufacturing technology.

In addition, I oppose any attempt to instruct conferees regarding funding for the Advanced Liquid Metal Reactor Program. The goal of the Advanced Liquid Metal Reactor Program is to develop a technology capable of burning high-level nuclear waste from commercial reactors and plutonium from our weapons stockpile. This program is very close to producing a reactor that will provide a domestic source of clean, cheap, and safe energy, while providing a nuclear waste treatment alternative.

While both the House and Senate bills reduce spending for the ALMR Program below current levels, the phased shutdown provided for in the Senate bill would allow the completion of the research mandated by the Energy Policy Act of 1992.

The Senate level of funding would allow the Liquid Metal Reactor Program to be phased out in a logical manner and would actually cost less. The House proposal for immediate termination would spend $444.6 million on termination costs over the next 4 years. With the commitment of the Japanese to contribute $60 million to the project, the costs for a phased termination of the IFR would be $4.2 million less than immediate termination.

I urge my colleagues to support Mr. MYERS' motion to instruct the House conferees regarding funding for high energy physics and vote for the previous question.

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BROWN], chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Speaker, I rise in support of the motion to instruct offered by the gentleman from Indiana [Mr. MYERS], and I will oppose the effort to provide instructions to terminate the advanced liquid metal reactor project.

I am in a somewhat difficult position here, because the position that I am taking today is different from what I took last year. Of course, the administration's position today is different from what they took last year too. So I hope that the two will offset each other.

I have in the past opposed liquid metal reactors. I think some of my colleagues have been here long enough to recall that I waged a tough fight to end the Clinch River reactor 10 or 15 years ago, in cooperation with the National Taxpayers Union. I wish that I could be on their side again.

Unfortunately, the situation is much more muddy than it appears here. There are a lot of difficult politics at work here. Some of the people who want to close this project are opposed to all nuclear programs, for example, and do not want to see us even have an insurance policy against the possibility that we will not have an adequate energy supply 20 or 30 years down the road.

I look on this program first of all as being sound research. I have visited the labs, I have talked to the researchers, I know that they are doing good work. They are trying to keep up with the work that some of our allies are doing, incidentally, in this area, the Japanese and the Europeans are both ahead of us in many ways.

I think that it is a prudent insurance policy to bring this technology as far as we can and then phase it out in a prudent way as the legislation requires. I do not think the argument that we will save money by abolishing this holds much water, as some of my colleagues have already mentioned. Actually what will happen is this money will go to another project, and the people opposing this may like what else it goes to even less.

So I urge that we proceed on the path that the committee has set here.

The funding provided to the ALMR Program in the Senate bill will allow for a sensible and orderly phaseout of this project and will provide the opportunity to record and document substantial research and development findings. This Senate funding will permit us to revisit this technology at a future date, should it prove valuable or necessary.

I am particularly concerned that we retain an understanding of any technology that may be useful in this disposal or burnup of plutonium. Given the huge quantities of plutonium that will be recovered from the retirement of the strategic nuclear weapons of the former Soviet Union and the United States, it behooves us to keep open all our options for disposal. Clearly the ALMR is one of those technologies, and we should carefully weigh its strengths and weaknesses in this role on a sound scientific basis.

I urge Members to support efforts to bring the ALMR Program to an orderly, thoughtful conclusion, and to vote against efforts to instruct the conferees on this issue.

Mr. SHARP. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, let us one more time pull out our Washington dictionaries, and let us figure out the definitions of some words, where investments now replace spending, where contributions is now a new word for taxes, and finally where termination means we will spend another $2 million on the project.

I think it is clear from what a number of my colleagues have repeated over the last 15 minutes of this debate that this program has been harder to kill than the hockey mask-wearing Jason of the Friday the 13th series. The Bush administration listed this as 21 out of 23 priorities based on energy contribution, economic, technical and environmental factors.

Last year on June 24 the House voted 270 to 146 to pass the Coopersmith amendment, and I was involved in that debate again last year as well to terminate the Department of Energy's civilian funding for the ALMR. Last year the House voted again to terminate this program. DOE supported termination of IFR, and now President Clinton, not President Bush, called for termination. The House committee itself agreed to terminate the program, and now one more time we find ourselves where for two cycles in a row it has been the conference committee and the other body in particular which has come back to save the Advanced Liquid Metal Reactor Program, and all of this, frankly, all of this idea that we can somehow save money by agreeing to the Senate provisions of the conference agreement simply does not stand up, because it is a giant roll of the dice based on that fact that somewhere down the line the Japanese may, and the operative word is may here, may decide to get back into the project.

Termination of this program, as Members already heard from my colleague from Minnesota [Mr. RAMSTAD] is supported by a wide range of groups, including the National Taxpayers Union, Citizens Against Government Waste and other taxpayer organizations, as well as environmental groups such as the Friends of the Earth, the Sierra Club and the scientific community, such as the National Academy of Sciences as well.

A number of studies have taken a look at this argument, which essentially said it will help destroy plutonium all you have left over is cold water. But keep in mind that we have already spent $1.3 billion on the ALMR Program, and now we have finally found a mission for the technology that has no commercial application whatsoever.

The fact of the matter is that because the reprocessing costs of reproducing plutonium as a fuel is higher than processing uranium fuel, in fact uranium fuel is so cheap and abundant that U.S. uranium manufacturers are going out of business, so we are going to give money to a technology that may not be available for the next 40 or

60 years when there is already a technology in place. We are trying to convince other countries to back off from plutonium proliferation, and now here we are trying to talk North Korea out of plutonium, and we are going to fund a scientific project that will create more plutonium.

A number of studies of ALMR say it would not be the safest, most effective way to convert plutonium. Studies from the General Accounting Office, the Office of Technology Assessment, Lawrence Livermore National Laboratory, Electric Power Research institute in California, and DOE's own study on plutonium disposition.

Let me finally sum up with what editorial pages have said across the country that have objectively stood back and taken a look at this program based on the scientific research. The Washington Post called it the wrong reactor. A paper in Oregon called it a giant research boondoggle. A paper in South Carolina called it radioactive pork, and finally my colleagues in this House, let us take the advice of a paper in South Carolina that said put the breeder reactor to sleep.

Mr. MYERS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the attempt to defeat the previous question and offer a motion to instruct conferees to terminate the advanced liquid metal reactor, also known as the integral fast reactor [IFR]. Termination of the IFR at this point would not only be irresponsible and shortsighted, but would also cost more money than actually completing the program over the next 2 years.

Mr. Speaker, the IFR is now 80 percent complete and shutdown of the reactor has already begun. If we continue IFR research, in 2 years we will have the science we need to make energy out of reprocessed plutonium. If we terminate the program early, we will have gained nothing from our years of research and will have lost hundreds of millions of dollars.

Mr. Speaker, the scientists at Argonne National Labs are developing an amazing technology, called actinide recycling, which will enable the IFR to burn used fuel from existing plants and nuclear waste sites as well as consume plutonium from dismantled nuclear weapons. Last Congress, we made a commitment to test actinide recycling as a way to reduce nuclear waste in the omnibus energy bill of 1992. We should not back down on that commitment.

Mr. Speaker, the IFR is a revolutionary technology that has the potential to offer the country a safe and lasting means of generating electricity while reducing the stockpile of existing nuclear waste and weapons-grade plutonium. The IFR addresses the public's concern about the safety and security of nuclear power—it is far, far safer than technology employed in current nuclear power plants. The IFR is inherently safe and will shut down automatically without human or mechanical intervention if the reactor should overheat. These safety features have been demonstrated in actual tests of a prototype reactor.

To those who contend that the IFR is a breeder reactor with the capacity to transform uranium into plutonium for nuclear weapons, I argue that the purpose of the IFR is exactly the opposite: The IFR burns plutonium and other actinides to generate power. Contrary to what opponents of the IFR say, the IFR does not produce pure plutonium. A highly sophisticated reprocessing technology would be needed to use the plutonium output for any other purpose than refueling the reactor itself.

Mr. Speaker, as America pursues greater energy efficiency and as nuclear weapons are increasingly being dismantled, we cannot afford to abandon this vitally important program. I urge my colleagues to oppose the attempt to defeat the previous question and support the Myers motion to instruct.

□ 1730

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN], the distinguished chairman of the Subcommittee on Agriculture of the Committee on Appropriations.

Mr. DURBIN. Mr. Speaker, at any point in this debate I am prepared to yield to any of my colleagues opposed to this project who feel they are so well versed in nuclear physics that they want to speak to the theory behind this IFR and why they do not support it. I am not going to address that point, because I do not have a background in nuclear physics.

What I have found is that the scientific community is split. some say this is a good investment in research. Some say it is not. In fact, these scientific groups, we could line them up on both sides of this Chamber, and we would probably get a pretty balanced debate on where this should go and how much we should invest. I know the Japanese Government and their scientific community think this is a pretty good idea, take this spent nuclear fuel and turn it into something productive, eliminate a problem that will be around for centuries. It makes sense where I am standing, too. But I cannot make this argument on scientific grounds. I just do not have the background for it. Some of my colleagues may feel they do.

Let us talk about budgetary grounds. Some people say we are out to save money. If we go along with the idea of eliminating this integral fast reactor, it is not going to save the American taxpayers one nickel. In fact, it will cost them more money to shut down this project which is near completion. It makes more sense from where I am standing for us to go along with the idea of completing the research to see if it does have some productive potential for us and to save money for taxpayers as opposed to trying to put another notch on our pistol and saying we just cut out another project. The bad news for taxpayers is, having cut it out, we sent you an additional bill for anywhere from $5 million to $18 million. That sort of thing is not good news for taxpayers.

What I would ask my colleagues to do is to stick with the motion offered by the gentleman from Indiana [Mr. MYERS] on his motion to instruct and to resist those efforts that are going to be put forth on this floor to eliminate this project. I think it has good scientific value. From a budgetary viewpoint, it should be brought forward to conclusion.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Mr. Speaker, I rise today to urge Members to stand firmly behind the House position to terminate the Advanced Liquid Metal Reactor. That means defeat the previous question. We have a massive Federal deficit, and we have got to eliminate unnecessary Government spending. The Advanced Liquid Metal Reactor is precisely the kind of program we should be putting a stop to.

Breeder reactors are simply not cost effective. It is unlikely that ALMR's could compete with light-water reactors for 40 to 60 years, if ever. By then, current ALMR technology would be obsolete. Meanwhile, taxpayers are being asked to foot the bill for billions more in ALMR funding. Terminating the ALMR now would save at least 2.9 billion dollars.

We should not be spending our research dollars on new nuclear reactors. We should be spending the limited amount that we do have on energy efficiency and conservation, and alternate and renewable energy.

Federal research on the ALMR is a dangerous and costly boondoggle that we should stop immediately. The Clinton administration has determined that the ALMR no longer deserves Federal funding. Congress should come to the same conclusion.

One of the problems with this institution, as everyone knows, is that we never seem to be able to kill programs once they get started. This has got to stop. It is time to get serious about stopping unnecessary science programs, improving deficit reduction, and stopping wasteful spending wherever we find it. Let us shut down the ALMR before it demands billions more taxpayer dollars.

I urge my colleagues to defeat the previous question and to stand firm behind the House and administration position to terminate funding for the Advanced Liquid Metal Reactor.

Mr. MYERS of Indiana. Mr. Speaker, I yield 4 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Speaker, I think it is important that we clarify some of the issues brought up here.

One of the key issues that has been brought up is this reactor is a reactor that will generate more proliferation, notwithstanding the studies at Oak Ridge and Lawrence Livermore that say this technology reduces the risk of proliferation. It does not address the fact either that we have 250 tons of weapons-grade plutonium is this world right now, and this reactor can consume that very kind of weapons-grade plutonium.

They talk about studies and say a lot of studies have shown this reactor is not going to be able to solve the proliferation problems. But, frankly, you can get the answers from studies by the questions you ask, and those studies that they quote say that the short-term answers, in the short term, that this reactor has not proven out, because the research has not been finished. That is obvious.

What do the same scientists say about the long term? This very Congress asked the National Academy of Sciences to study all nuclear options and to tell them which nuclear options we should focus on for our future, and that same study that has been quoted here says on page 12, "The committee believes the liquid metal reactor should have the highest priority for long-term nuclear technology development." We are not fighting here over what to do in the short term. We are fighting over whether this country should keep involved in nuclear testing and in nuclear research and development or whether we should shift out of it.

Everybody in this Congress has received a letter from the heads of nuclear programs at universities across this country pleading with us to save this technology and to keep this research alive.

Secretary O'Leary in testimony before the Committee on Energy and Commerce this year acknowledged that this is not a battle over money, it is a battle over a shift in priorities in this administration away from nuclear research into wind and solar and other renewable research.

The question here is whether we should keep nuclear research alive. I have in my hands another report, the report of the U.S. utility industry on advanced reactor corporation, and this study concludes that given the administration's recent decision to recommend termination of funding for some advanced reactor designs, and that is the liquid metal reactor, "We believe that an updated report providing utilities perspective is timely and critical." Going on, it says they believe there is no future funding for nuclear research of any meaningful sense beyond 1998 if this decision to terminate this reactor is made.

Mr. Speaker, there has been a lot of talk about cost. They say that it will cost $2.7 billion or $2.3 billion in the future if we keep this project going. The only way that those costs would be incurred is if the technology proves out, and society and this Congress make the policy decision to build the reactor. That is a decision for a future time.

What we are fighting over right now is whether to go ahead and finish the research or terminate the research in a way that actually saves more money, to finish it. And, by the way, if we do make that policy decision in the future, then there is going to be electrical generation that will pay for that two-point-whatever billion dollars which is not even being brought into consideration in this debate.

There have been a lot of editorials that talked about it. I have a stack of editorials myself. The Washington Post, after the one that has been referred to, published a followup that says, "The right reactor after all."

□ 1740

Business Week, "A big science cut that could drown us in nuclear waste." Chicago Tribune, "Don't foreclose this nuclear option." Christian Science Monitor, "Keep funds for nuclear research." The list goes on.

Mr. Speaker, we are facing a decision today as to whether we will have any long-term nuclear research dollars left in our budget. This is a shortsighted decision if this country makes the decision to eliminate the ability of the United States to continue being the leader in nuclear research.

We must support and vote for the previous question.

Mr. BEVILL. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise today in support of the Advanced Liquid Metal Reactor Program and to urge my colleagues to vote for the previous question.

Mr. Speaker, countries around the world recognize the important role nuclear power must play in the production of clean, safe, economical and abundant electricity. These countries continue to look to America for leadership in nuclear power technology.

Global markets for United States industry are rapidly opening up in countries such as Japan, Taiwan, Korea, and Indonesia. The nuclear powerplant market potential in the Pacific rim nations during the next 15 years is estimated to be over $175 billion. This represents well over 100,000 U.S. jobs.

Mr. Speaker, a strong U.S. nuclear industry can and must be a major contributor to the world's need for clean, safe, and low-cost electricity.

As a nation we have invested more than $700 million on research and development of the ALMR concept. It simply makes no sense to abandon the work that has been done just when our efforts are ready to bear fruit.

I urge my colleagues to continue funding for the Advanced Liquid Metal Reactor Program and to vote for the previous question.

Mr. MYERS of Indiana. Mr. Speaker, I am going to use the 4 minutes I have remaining in order to close. I reserve the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS). The gentleman from Indiana [Mr. MYERS] has the right to close.

Mr. SHARP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Ohio [Mr. FINGERHUT.]

Mr. FINGERHUT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I simply want to rise in support of the efforts of my colleagues who are seeking to defeat the previous question in order to offer a motion to instruct with respect to killing the ALMR. I am not sure, frankly, why it is that we are debating the merits of this project again. It seems to me clear we had a debate on this question before in the House, and the verdict of this House was clear.

The question now before us is whether or not we ought to maintain our position in the conference committee with the Senate. There are plenty of spending priority debates that we have disagreements on in this House. Sometimes we are split almost evenly down the middle on whether or not a project is worth funding. But in this case, the split is not close, the House is overwhelmingly in support of the motion to kill this project. So the debate today is simply whether or not we should stand our ground. In my opinion, Mr. Speaker, we should stand our ground, defeat the previous question and we should ask that the final provision kill this bill.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. I thank the gentleman from Indiana for yielding this time to me.

At this point I think we on the opponents' side of this project wish to respond to a couple of points that have been raised.

First of all, the Department of Energy did a thorough analysis of the cost of termination as opposed to continuing the program.

DOE analysis is that the savings for termination are about $28 million. The numbers on the other side, assuming keeping the program going saves

money, assumes a Japanese contribution of $60 million. However, there is no contract from the Japanese, there is nothing in writing. And the $60 million from the Japanese, as indicated, would only come through if the United States commits to build a $3 billion demonstration reactor.

My colleague from Idaho mentioned there would be revenues from electrical generation. However, I am not sure he would agree that the U.S. Government should be in the business of selling electric power on that scale.

Second, there is a strawman argument—or a straw person argument, these days—that voting against this program means you are against nuclear power. That is absolutely not correct. I represent part of the service area of Arizona Public Service, which is one of the foremost, I believe, nuclear investor-owned utilities in this country. In this House, in this Congress, we are funding at least four other advanced light-water reactors. Those programs have support from industry, they have commercial feasibility. Voting against one program for which there is no commercial interest, for which the numbers simply do not add up, is in no way opposing the nuclear option; it is making good and valid distinction this House has been able to make before.

Too many times in politics you approach science as a black box, assume the scientists are split, then let us decide on the politics: What district is the project located in? What committee is it on? Who do I owe a favor to? We can make the principal and valid distinction here between which science programs are good and which are good enough.

Mr. BEVILL. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I oppose any motion that would instruct the House conferees to insist on the House position on terminating the integral fast reactor project. First of all, when this bill was put together by the House, there was no House position as such, there was no budget for termination, simply a placeholder from the Department of Energy. Since that time, the DOE has submitted an amended appropriations request, for an additional $33.2 million. So when this issue was brought before the House last month, we did not really know what we were dealing with.

And what we are dealing with is simply this. The DOE has said that at least $104.7 million would be required for fiscal year 1995 to terminate the Advanced Liquid Metal Reactor/IRF Program immediately and to tell the Japanese Government and the American utility industry that we do not want their money.

The Senate, which had the benefit of seeing this proposal in total, rejected it, preferring instead to accept the cost-sharing, complete the research and shut the project down in an orderly way. Their funding proposal to accomplish this in fiscal year 1995 is $98.8 million, $5.9 million less than would be required for immediate shutdown. I say, let us join them. It is not often that we get a chance to complete a project and save money at the same time.

I would like to add in closing that the cost sharing for the ALMR/IFR Program comes from organizations who believe in the long-term potential of this technology. These organizations are putting their money where their mouth is, and we should listen to their endorsement and complete the research with the phased shutdown as called for in the Senate version of this bill.

Mr. Speaker, I hope that my colleagues will oppose the motion which the gentlemen from Arizona and others propose. We cannot afford their proposal, and it is wrong on the merits.

Mr. BEVILL. Mr. Speaker, I support the motion offered by the gentleman from Indiana [Mr. MYERS] and urge the Members to vote "yes" on the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. SHARP. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY].

□ 1750

Mr. MARKEY. Mr. Speaker, I rise today to urge my colleagues to defeat the previous question and vote to terminate the Advanced Liquid Metal Reactor Program. The House has already voted three times to terminate the ALMR. This program is expensive, dangerous, and simply bad policy.

The ALMR is bad fiscal policy. The Clinch River breeder reactor started off with a price tag of $700 million and wound up costing $8 billion in taxpayers' money—which was all lost. Even in the most optimistic estimates, the ALMR is at least 20 years and countless billions from completion.

Second, this is bad energy policy. There has not been a new nuclear powerplant ordered in the United States—which has been constructed—for many years. But at the same time, the electric utility industry is saying that the breeder reactor program might be a good idea. If they feel that this is such a good idea, then they should fund it, not the taxpayers of our country.

Most importantly, Mr. Speaker, the breeder reactor program is bad national security policy. This is a proposed proliferation solution that in reality is creating a new problem. Last year, at my urging, the Department of Energy released a secret report on the ALMR program. This report, which had previously been kept classified, revealed that in fact, the unsolved problems with this technology include safeguards, plant inspectability, and material accountability for the purposes of verification. This means that this program would be creating a plutonium economy across the planet, which is even more dangerous than ever in today's international environment.

And even if this reactor could be used to dispose of plutonium stockpiles, dozens of these reactors would have to operate for hundreds of years in order to consume all of the plutonium in all of the nuclear weapons in the Soviet Union or the United States, if that was the ALMR's purpose. We are talking dozens of reactors for hundreds of years.

But we have no way of guaranteeing that the plutonium would not be diverted into nuclear weapons programs in countries that do not already have them. This program's safeguards simply do not work.

Nuclear proliferation is perhaps the single greatest potential risk to global peace and security today. There is no need to subsidize this risk with taxpayers' money.

Again, this House has overwhelmingly supported the ALMR's termination. Now it is time for us to follow through. Vote to defeat the previous question.

Mr. SHARP. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question so we can instruct the conferees to do, as the House has done on four occasions already, to vote to terminate the advanced liquid metal reactor, Mr. Speaker, this is not about whether my colleagues are for or against nuclear power. Nuclear power, as we know it in the United States, is fundamentally based on the uranium light water reactor. We are going forward with that reactor with advanced designs, I support that. Many of the people that are voting with us are supporting this. I say, "This is not whether you're for or against nuclear power. This is whether we ought to go on to a high-cost, high-risk plutonium kind of nuclear power that is closer to the nuclear bomb."

Mr. Speaker, we have some studies of this specific project, of the various technologies engaged, and increasingly over the years they have come to the conclusion this is not the smart place to put our money.

First, the proponents of this program often argue: "Use it as a way to dispose of the nuclear waste that we are looking for a place to put today, that is produced out of our light water reactors."

My colleagues, this is not the technology to accomplish this goal. The studies of the Department of Energy indicate that we end up with more, more volume of nuclear waste, to be gotten rid of, and it is highly radioactive, and it will take just as long, if not longer, than the current wastes we

have to deal with. This is not a way to dispose of the nuclear waste that we have now to take care of in our country for years and years to come.

Second of all, the argument is made that we should use this kind of technology to burn up the bomb grade weapons material that is now in the Soviet arsenal and in the United States arsenal because we know we must get rid of that.

But, my colleagues, before this technology could even be ready, it will be decades, and then, to complete that activity, it will be decades and billions and billions of dollars later. We have to take actions on that now, and again the studies are showing that there are several faster and cheaper options that are available to us right now, so that we can begin in this country to get rid of that material.

So, Mr. Speaker, let us not take the high-cost option. Let us not buy into something that is a hundred years away.

Mr. Speaker, in addition to the question is really whether we want to move on to this other plutonium cycle when we have technology that is more efficient and more cheap, if it really works the way the proponents want it to, to produce plutonium which puts us at risk that North Korea, Qadhafi, or somebody else can turn into bombs.

Now that is part of what this argument is about. This costs unnecessary money. It will not solve the nuclear waste problem. It gets us to a plutonium policy, if we really want to go that direction, which I doubt that this country will ever agree to go anyway.

Now, my colleagues, the Department of Energy, the Office of Management and Budget, agree that, if we will vote to terminate this program now, we will save money. It will not cost us more money. So, this is a matter of saving money; this is a matter of stopping an unnecessary project. This is not about whether my colleagues are for or against nuclear power.

My colleagues, vote no on the previous question so that we can amend the motion and get directly to the issue itself.

Mr. MYERS of Indiana. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there has been a lot of discussion here this afternoon, some factual, a lot nonfactual. The issue today is: If you vote no on the previous question and defeat the previous question, you're taking $11.4 million out of the research for our children's future energy needs.

Mr. Speaker, my instructions are to put that $11.4 million in high-energy physics, to look for new energy for our children's and grandchildren's future, so my colleagues would first be taking away that $11.4 million, spend it on something else, but not on needed research.

Second, Mr. Speaker, this is not an issue of whether we are terminating or not. Both the Senate version, which I think is the right way to go, and the House version terminate this program. But if my colleagues follow the House version, we get absolutely nothing for the investment we have already made and for the termination costs that it will take. To the contrary, the House version would cost more money. I think everyone is agreed to that, but there has been thrown out this idea that, if we went the full route with the IFR, and built all the prototypes, it would get up around a couple billion dollars.

The gentleman from Massachusetts [Mr. MARKEY] talked about Clinch River costing $8 billion wasted. Now I do not know who spent the $8 million, but I have been on that committee for a good many years. We had $1.7 billion in Clinch River at the time it was terminated by Mr. Carter and Congress. We had $300 million termination costs. That is $2 billion the way I add it up to it. But anyway it was foolish to do that. We had absolutely done nothing for Clinch River except a lot of scar where it was going to be built, so it is not talking about termination, terminating both ways to go, what do we get for the money we have invested, and, if we go ahead and finish the way the Senate has suggested, we save dollars to the American taxpayers, and the National Taxpayers Union, I have never seen an appropriation they did like in the first place, and they are just wrong on this issue. They have not added it up and do not know what they are going to get for the dollars.

I say to my colleagues, you get nothing, if you follow their instructions. They're right, and it's not a matter of nuclear proliferation.

Russia, France, and Japan are continuing this actinide research with or without us. Discussion about the—up to $60 million that Japan was going to put into it. I have a letter dated June 17 this year from the president of the Power Reactor Nuclear Fuel Development Corp. out of Tokyo. The president says, he states in the letter, that the only reason they withdrew their $60 million is because the Department of Energy has withdrawn its support for this. But the president goes on:

> Meanwhile we are starting in our own to carry out R&D in the field of actinide recycling.

So, Japan is going to go ahead without us. We will not have the advantage of the research.

The last paragraph of the president's letter:

> We remain interested in working with the Department of Energy in this field, although its recent actions don't provide a stable, credible basis on which to proceed at this point. If Congress were to restore the program for the next fiscal year, we would consider our option about participating in a joint program.

Mr. Speaker, I say to my colleagues, if you're interested in saving the American taxpayers what we have already invested in providing for the needed energy, meaning for the research and the future of our Nation, you will vote for the previous question, and don't go down this route that we have gone down so many times. When we get close to finding out something, we destroy it, so please vote for the previous question.

Mr. HASTERT. Mr. Speaker, I stand in favor of Mr. MYERS' motion to instruct the conferees to support the House position on funding for the Department of Energy's high-energy physics program. The United States has long dominated the field of high-energy physics, primarily due to the diligent research efforts of our top scientists working to make new discoveries about the fundamental makeup of the universe.

For example, Fermi National Laboratory, which is located in my district, is the premier laboratory for high-energy physics in the United States. In fact, Fermilab is home to the largest and most powerful particle accelerator in the world. Scientists at Fermilab have dedicated themselves to investigating the nature of matter and pioneering ways to approach the challenges our country faces in the fields of medical research, manufacturing technology, and educational enhancement.

Recently, physicists at Fermilab found evidence of the top quark, a subatomic particle that is the last undiscovered quark of the six predicted by current scientific theory. Scientists worldwide have sought experimental evidence for the top quark since the discovery of the bottom quark at Fermilab in 1977.

In short, if the United States is to meet the technological challenges of the 21st century, and improve U.S. global, industrial competitiveness, Congress should promote, not discourage, research and development in high-energy physics. Indeed, it is imperative that we fund these laboratories at a level that will allow us to remain among the world leaders in high-energy physics.

Mr. MYERS' motion is a step in the right direction. I urge my colleagues to support the gentleman's motion.

Mr. MYERS of Indiana. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The SPEAKER pro tempore (Mr. HASTINGS). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MYERS of Indiana. 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 171, nays 209, not voting 54, as follows:

[Roll No. 366]

YEAS—171

Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehner
Bonilla
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chapman
Clement
Clinger
Combest
Cox
Cramer
Crane
Crapo
Cunningham
Darden
DeLay
Dickey
Dixon
Doolittle
Dornan
Dreier
Dunn
Durbin
Ehlers
Emerson
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gibbons
Gingrich
Gonzalez
Goodling
Goss
Gunderson
Gutierrez
Hancock
Hansen
Hastert
Hayes
Herger
Hilliard
Hochbrueckner
Horn
Houghton
Hoyer
Huffington
Hutchinson
Hutto
Hyde
Inslee
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kasich
Kim
Kolbe
Kopetski
Kyl
LaRocco
Leach
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Lipinski
Livingston
Lloyd
Lucas
Manzullo
Mazzoli
McCollum
McCrery
McDade
McKeon
Meek
Mica
Michel
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Myers
Ortiz
Oxley
Packard
Parker
Pastor
Peterson (FL)
Pickett
Pombo
Porter
Quillen
Rahall
Rangel
Roberts
Rogers
Rohrabacher
Rostenkowski
Rowland
Rush
Sangmeister
Saxton
Schaefer
Schiff
Shaw
Shuster
Skeen
Smith (IA)
Smith (OR)
Smith (TX)
Solomon
Spence
Stump
Sundquist
Swift
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thornton
Torres
Torricelli
Tucker
Vucanovich
Walker
Walsh
Weldon
Wilson
Wise
Wolf
Yates
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Baesler
Barca
Barlow
Barrett (WI)
Bellenson
Bentley
Berman
Bishop
Blute
Bonior
Borski
Brewster
Brown (OH)
Bunning
Byrne
Cantwell
Cardin
Castle
Clayton
Coble
Collins (GA)
Cooper
Coppersmith
Costello
Coyne
Danner
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dooley
Duncan
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Grandy
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings
Hefley
Hefner
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Hughes
Inglis
Jacobs
Johnson (GA)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kingston
Kleczka
Klein
Klink
Klug
Kreidler
LaFalce
Lambert
Lancaster
Lantos
Lazio
Lehman
Levin
Levy
Lewis (GA)
Linder
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCandless
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran
Morella
Neal (NC)
Nussle
Oberstar
Obey
Olver
Orton
Pallone
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Petri
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Ravenel
Reed
Regula
Richardson
Roemer
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Sabo
Sarpalius
Sawyer
Schenk
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slaughter
Smith (NJ)
Snowe
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Swett
Synar
Talent
Tanner
Tauzin
Thurman
Torkildsen
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Williams
Woolsey
Wyden
Wynn
Zimmer

NOT VOTING—54

Ackerman
Baker (LA)
Becerra
Boehlert
Carr
Clay
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
DeFazio
Dingell
Fish
Foglietta
Ford (TN)
Frost
Gallo
Glickman
Grams
Hamburg
Hunter
Inhofe
Istook
Jefferson
Knollenberg
Laughlin
Machtley
Mann
McMillan
Murtha
Nadler
Neal (MA)
Owens
Peterson (MN)
Pickle
Portman
Reynolds
Ridge
Rose
Sanders
Santorum
Schroeder
Skelton
Slattery
Smith (MI)
Stupak
Thomas (WY)
Thompson
Washington
Wheat
Whitten
Zeliff

□ 1823

The Clerk announced the following pairs:

On this vote:

Mrs. Collins of Illinois for, with Mr. Sanders against.

Mr. Grams for, with Mr. Jefferson against.

Mr. FIELDS of Louisiana, Mr. FLAKE, Ms. McKINNEY, and Messrs. HEFLEY, STOKES, COLLINS of Georgia, BONIOR, and COYNE changed their vote from "yea" to "nay."

Messrs. BLACKWELL, EWING, and WISE, Ms. MOLINARI, and Mr. BILBRAY changed their vote from "nay" to "yea."

So the previous question was not ordered.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHARP TO THE MOTION TO INSTRUCT OFFERED BY MR. MYERS OF INDIANA

Mr. SHARP. Mr. Speaker, I offer an amendment to the motion to instruct.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SHARP to the motion to instruct offered by Mr. MYERS of Indiana: Insert before the period at the end of the following: and to insist upon the provisions contained in the House bill that provide funds for the Advanced Liquid Metal Reactor, the Integral Fast Reactor, and the Actinide Recycle Program only for purposes of program termination

The SPEAKER pro tempore. The gentleman from Indiana [Mr. SHARP] is recognized.

Mr. SHARP. Mr. Speaker, let me clarify for Members of the House, we do not plan to take any more time on the debate of the issue. We had an hour debate on this. The distinguished chairman of the committee and the ranking minority member agrees that we will not further debate the issue this evening, but proceed to the vote.

Mr. Speaker, this is the motion to instruct that the House stay with its position to terminate the advanced liquid metal reactor that it adopted in the regular order of business.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. SHARP] to the motion to instruct offered by the gentleman from Indiana [Mr. MYERS].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHARP. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. All those in favor of taking the vote by the yeas and nays will rise and remain standing.

Mr. SHARP. Mr. Speaker, I withdraw my demand for the yeas and nays.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Indiana [Mr. MYERS], as amended.

The motion to instruct as amended was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. BEVILL, FAZIO, CHAPMAN, PETERSON of Florida, and PASTOR, Mrs. MEEK of Florida, and Messrs. OBEY, MYERS of Indiana, GALLO, ROGERS, and MCDADE.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS). Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4448, by the yeas and nays; and H.R. 4158, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AMENDING THE ACT ESTABLISHING LOWELL NATIONAL HISTORICAL PARK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4448, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4448, as amended, on which the yeas and nays are ordered.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the next motion to suspend the rules on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—yeas 221, nays 160, not voting 53, as follows:

[Roll No. 367]

YEAS—221

Abercrombie
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bellenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clayton
Clement
Clyburn
Condit
Coppersmith
Coyne
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lloyd
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Morella
Murphy
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Ravenel
Reed
Richardson
Roemer
Rostenkowski
Rowland
Roybal-Allard
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slaughter
Smith (IA)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff

NAYS—160

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Billirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Hyde
Inglis
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Long
Lucas
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
Meyers
Mfume
Mica
Michel
Miller (FL)
Mineta
Molinari
Moorhead
Moran
Myers
Neal (NC)
Nussle
Packard
Paxon
Petri
Pombo
Porter
Poshard
Pryce (OH)
Quillen
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tanner
Taylor (NC)
Thomas (CA)
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—53

Ackerman
Baker (LA)
Becerra
Boehlert
Carr
Clay
Coleman
Collins (IL)
Collins (MI)
Conyers
DeFazio
DeLay
Dingell
Fish
Foglietta
Ford (TN)
Frost
Gallo
Glickman
Grams
Hamburg
Harman
Hunter
Inhofe
Istook
Jefferson
Knollenberg
Laughlin
Machtley
Mann
McMillan
Murtha
Nadler
Neal (MA)
Owens
Oxley
Peterson (MN)
Pickle
Portman
Reynolds
Ridge
Rose
Rush
Sanders
Santorum
Skelton
Slattery
Smith (MI)
Thomas (WY)
Thompson
Washington
Wheat
Whitten

□ 1846

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois and Mr. Jefferson for, with Mr. Grams against.

Mr. MFUME changed his vote from "yea" to "nay."

Mr. VOLKMER changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4003, MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–646) on the resolution (H. Res. 500) providing for consideration of the bill (H.R. 4003) to authorize appropriations for fiscal year 1995 for certain maritime programs of the Department of Transportation, to amend the Merchant Marine Act, 1936, as amended, to revitalize the U.S.-flag merchant marine, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1357, LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND LITTLE RIVER BAND OF OTTAWA INDIANS ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–647) on the resolution (H. Res. 501) providing for consideration of the bill (S. 1357) to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1066, RESTORING FEDERAL SERVICES TO THE POKAGON BAND OF POTAWATOMI INDIANS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–648) on the resolution (H. Res. 502) providing for consideration of the bill (S. 1066) to restore Federal services to the Pokagon Band of Potawatomi Indians, which was referred to the House Calendar and ordered to be printed.

LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE ACT OF 1994

The SPEAKER pro tempore (Mr. HASTINGS). The pending business is the question of suspending the rules and passing the bill, H.R. 4158, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4158, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 154, nays 226, not voting 54, as follows:

[Roll No. 368]

YEAS—154

Abercrombie
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Barlow
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Clayton
Clement
Clyburn
Coppersmith
Coyne
Danner
Darden
de la Garza
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Green
Gutierrez
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Houghton
Hoyer
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klink
Kopetski
Kreidler
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lowey
Maloney
Manton
Markey
Martinez
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Murphy
Neal (NC)
Oberstar
Olver
Ortiz
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Richardson
Ros-Lehtinen
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Swift
Synar
Tejeda
Thornton
Torkildsen
Torres
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—226

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Boucher
Brewster
Browder
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Deal
DeLay
Derrick
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inslee
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kildee
Kim
King
Kingston
Klug
Kolbe
Kyl
LaFalce
Lambert
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Manzullo
Margolies-Mezvinsky
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Minge
Montgomery
Moorhead
Moran
Morella
Myers
Nussle
Obey
Orton
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Sangmeister
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thurman
Torricelli
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—54

Ackerman
Baker (LA)
Becerra
Boehlert
Carr
Clay
Coleman
Collins (IL)
Collins (MI)
Conyers
DeFazio
Dingell
Fish
Foglietta
Ford (TN)
Frost
Gallo
Glickman
Grams
Hamburg
Harman
Hunter
Inhofe
Istook
Jefferson
Knollenberg
Laughlin
Machtley
Mann
Matsui
McCloskey
McMillan
Murtha
Nadler
Neal (MA)
Owens
Oxley
Peterson (MN)
Pickle
Portman
Reynolds
Ridge
Rose
Santorum
Skelton
Slattery
Smith (MI)
Solomon
Thomas (WY)
Thompson
Washington
Wheat
Whitten
Williams

□ 1859

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois and Mr. Jefferson for, with Mr. Thomas of Wyoming against.

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Speaker, I was unable to make afternoon votes because of delays at the airport. Had I voted, I would have voted "nay" on rollcall No. 366, a motion ordering the previous question on the conference report for military construction appropriations; "nay" on rollcall No. 367, the bill amending the Lowell National Historical Park Act; and "nay" on rollcall No. 368, the bill establishing the Lower East Side Tenement Museum National Historical Site.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, because of mechanical problems, my airline flight into Washington, DC, was canceled. As a result, I missed three votes. Had I been in attendance, I would have voted "no" on each of rollcall votes numbered 366, 367, and 368.

GENERAL LEAVE

Mr. COPPERSMITH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4506, just considered.

The SPEAKER pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Arizona?

There was no objection.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCDERMOTT). 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 are recognized for 5 minutes each.

SHOULD UNITED STATES INVADE HAITI? NO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, this weekend we all read that quite an event occurred in New York. The U.N. Security Council has for the first time given its blessing for armed intervention in the Western Hemisphere.

I would point out that the target of this armed intervention is Haiti, a friendly neighboring country of ours. I do not think we want to take a great deal of pleasure in that particular happening at the United Nations, but I think it is extraordinary the amount of energies that have been put into acquiring that U.N. approval.

They have really strained at it; promised all kinds of things; suggested all kinds of rewards; good things would

happen for countries that supported our position and, perhaps, bad things for countries that would not.

But, you know, the Clinton administration has not spent much time up here talking to the Members of the U.S. Congress about this. Here we are talking about a warlike action or a wartime action in the Western Hemisphere, right off the boundaries of the United States of America, involving American troops, and we have not had any consultation with the Representatives of the people of this country. Here in this, the mightiest of the legislative, deliberative, policymaking bodies in the world, we sit.

What is our official position? In fact, it is silence. We have no official position in this body on the subject of an invasion of Haiti involving United States forces.

We have actually had two votes. One called for asking the President to check with us before he went through any considerations about an invasion, to see what justification there could be to do that.

Then we had a vote to rescind that.

So our official position is nothing; absolutely no word; nothing but silence.

Last week I asked where do we fit into this picture? it turns out that some of our colleagues, Mr. SKAGGS, Mr. BOEHLERT, Mr. DURBIN, sent a letter down to the White House that has many signatures, dozens of Members' signatures on it. It hit such a chord with Members of Congress that they resent the letter with even more signatures asking the White House, please don't invade Haiti. Come and talk to us if there are reasons you think you need to do that, but confer with this deliberative body.

I have also filed a resolution that says it should be the sense of Congress, before the President does anything in Haiti involving our armed services, that he should come and discuss it with the United States Congress. After all, we all are accountable to the people we work for, the voters of this country, our constituents, for not only the well-being of their pocketbooks but for the well-being of their youngsters who serve in our Armed Forces. We need to be accountable. We need to know exactly what is going on, and why we are putting our troops in harm's way in an invasion of a country where there is virtually no threat to the continental United States.

I do not think anybody believes there is a national security threat from Haiti to our country.

Going around our hemispheric allies and talking to them, apparently only Argentina and the Aristide government, the duly elected president of Haiti, now exiled here in the United States, supported our position in New York at the United Nations. Mexico's foreign minister made a statement that his country, and I quote, "rejects the use of force except in cases of a threat to peace, its violation or acts of aggression." Haiti does not fall into any of those categories. This is Mexico, our trading partner, our NAFTA partner, our North American Free-Trade Agreement business associate, saying, "Bad idea, don't do it; no justification for it."

Brazil abstained from the Security Council vote.

Uruguay's ambassador said his country "will not support any military intervention in the brotherly republic of Haiti, whether multilateral or unilateral." Those are fairly strong words.

So the characterization that somehow the allies that we have, our neighbors and friends in the Western Hemisphere, applaud this decision of the United Nations and are encouraging the United States of America to take on this invasion of Haiti is clearly misleading and on the wrong track. That is just not the case.

I would point out that while we are talking about this, the costs are mounting for what we are already doing. We are spending millions and millions of dollars now just keeping those 15 warships and those ready-to-attack Marines down there on alert. And we are spending many other dollars as well elsewhere in the world.

I think, as everybody knows after reading the headlines this weekend, we have a heat-up going on in Bosnia again. There is some talk about toughening the position there, possible use of troops of some type there or supplies. We have a commitment of 3,000 soldiers in a relief operation in Rwanda. I am not quite sure what that means or what the rules of this engagement will be. We have just passed the second year of cuts in a 5-year plan to reduce the defense budget by $156 billion. We are beginning to run out of resources to do the things we need to do. Fortunately, there are no serious threats in front of us.

On top of that, we have the misery index of people suffering from the sanctions in Haiti. This whole policy is out of control. We need to rethink it. We hope the President will come here and let us help him rethink it.

IN OPPOSITION TO THE PROCEDURE FOR CONSIDERATION OF THE CRIME BILL: DON'T JUDGE A BOOK BY ITS COVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, I am part of the freshman reform class of 1992. I was elected to help reform Congress and change the way things are done around here.

One of the most frustrating things I find around here is not knowing what I am voting on. It is not because I am not interested. In fact, I am extremely interested. And, that is the problem. For Members who want to know what they are voting on, this is a very frustrating place.

In the next 2 weeks, we will vote on at least two historic changes to our laws. On Wednesday, the House Democrat leadership has promised a vote on the crime bill. Next week, the leadership has also promised a vote on the House majority leader's version of health care reform. Yet, to this date, I have not received a copy of either bill. The House of Representatives will act on the top issues in the minds of most Americans, yet most Members who were elected to serve here have no idea on what they are voting on.

The rules of the House must be changed. On page 708 of the Rules of the House of Representatives, rule 28 paragraph 2(a) states:

> It shall not be in order to consider the report of a committee of conference until the third calendar day (excluding any Saturday, Sunday or legal holiday) after such report and the accompanying statement shall have been filed in the House . . . Nor shall it be in order to consider any conference report unless copies of the report and accompanying statement have been available to Members for at least two hours before the beginning of such consideration.

In other words, the rules of the House only guarantees Members that they can have 2 hours to review a conference report before voting on final passage. And, even that tiny requirement can be waived if the Rules Committee waives the rules of the House.

That means, Mr. Speaker, that Members will have little time to review these huge documents. I have heard that the crime bill is over 1,200 pages long. How can Members even read that document in 2 hours? You would have to be a graduate of the Evelyn Woods speed reading course.

Mr. Speaker, I believe it is imperative that Members have adequate time to review bills before voting on them. It will save the House further embarrassment when the media discovers mistakes in the fine print of these bills.

I am only reporting from summaries of the crime bill and what I've discovered already shocks me.

For example, I have learned that the money for hiring more cops on the beat is so tied up with Federal requirements that some cities may not apply for them. For example, States would have to comply with expensive and intrusive minority hiring preferences to receive money under this bill. There is no change to the Justice Department criteria on awarding grants, which places a greater emphasis on how well the grant application was written than on the crime rate. Plus, the funding for these new police will expire at the end of 5 years, leaving States and cities holding the bag.

Also, the tough truth in sentencing provisions that I cosponsored and voted for were watered down in conference. If we help States build prisons, the least we can ask is that criminals sent to these prisons serve 85 percent of their sentence. What did they do in conference? Sixty percent of the prison funds in this bill are not conditioned on any truth-in-sentencing requirements. If a State wishes to participate in these prison construction grants, all they have to do is wait 1 year to get unrestricted funds.

But the real bad news for the taxpayer and those who want a tough crime bill is spending $9 billion on social programs masquerading as crime prevention. Yes, crime prevention is an important component of fighting crime. But this crime bill labels almost everything as crime prevention that it makes a mockery of the concept. This is a resurrection of the failed pork-laden economic stimulus package from last year.

For example, the Federal Government will now determine the composition of midnight sport leagues. They must have at least 80 participants. This bill would mandate that at least 50 percent of those who play in these leagues must be residents of public housing. There also has to be representation from communities with a high incidence of persons infected with the HIV virus. Since when does the Federal Government have the authority to order how basketball leagues are formed?

This bill will spend $100 million on a new Government entity, the Interagency Ounce of Prevention Council, for such projects as arts and crafts and dance programs.

The crime bill also incorporates another bill that was originally introduced as an economic stimulus package. The crime bill will spend $1.8 billion on the Local Partnership Act, which contains no references to fighting crime. To magically change one part of the bill at the last minute for the purpose of preventing crime when it is really aimed at just spending money as fast as possible in depressed areas of the country is not right.

Do not judge a book by its cover. I want to read it. Mr. Speaker, please give us all the same opportunity to know what we are voting on.

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WE MUST STAND WITH THE LONE MAN BEFORE THE TANK

The SPEAKER pro tempore (Mr. McDERMOTT). Under a previous order of the House, the gentlewoman from California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise today to inform my colleagues about legislation, H.R. 4590 introduced by the gentleman from Missouri [Mr. GEPHARDT], the House majority leader, the gentleman from Michigan [Mr. BONIOR], the House majority whip, and over a hundred Members of the House, Democrats and Republicans, including the gentleman from New York [Mr. GILMAN] and the gentleman from Virginia [Mr. WOLF] among many others on the Republican side. This bill would revoke most-favored-nation status for products made by China's People's Liberation Army and certain other state-owned enterprises. Our approach is a focused compromise which gets to the heart of Congress' concerns about proliferation, trade and human rights.

Why target the Chinese military? Each year, American consumers unknowingly subsidize China's military modernization by purchasing hundreds of millions of dollars worth of consumer products made by companies which are fronts for China's People's Liberation Army [PLA]. The products made by these PLA companies, including AK-47 assault rifles to pharmaceuticals to stuffed toy animals, enter the U.S. market under preferential most-favored-nation tariffs.

Mr. Speaker, this is the same Chinese military that ran over its own students with tanks, the same military that brutally occupies Tibet, and the same Chinese military that proliferates weapons of mass destruction.

The Defense Intelligence Agency [DIA] has produced a chart, DIA VP-1020-271-90, identifying the relationships among import and export organizations in China's defense industrial complex. The DIA says that these PLA front companies are a "key to supporting the uniformed services and China's industrial base and to acquiring military and dual-use technology. They market products and earn foreign currency to support defense-related research, development, and operations."

The huge profits and hard currency earned through these sales are bankrolling the massive modernization and expansion of China's military and the proliferation of weapons of mass destruction to rogue regimes.

Of particular concern:

During a week of meetings in early June the entire Chinese military hierarchy turned out to greet their North Korean counterparts declaring the two countries "as close as lips and teeth." (Christian Science Monitor)

According to Seoul's largest newspaper, these meetings produced a pledge of 85,000 Chinese troops to the defense of North Korea in the event of war and credit assistance to Pyongyang for food and energy in case of U.N. sanctions. (Choson Ilbo, Seoul)

If Defense Intelligence Agency analysts are correct, the Chinese military has aided the development of North Korea's new TD-2 missile by transferring advanced missile technology to North Korea. (Wall Street Journal)

China's military companies have sold billions of dollars worth of ballistic missiles to the Middle East and, in the words of CIA Director Woolsey, China is "Iran's principal nuclear supplier." (Congressional Research Service)

Chinese military companies have sold nuclear and missile technology to Pakistan, including bomb designs and enough weapons-grade uranium for two weapons. (Congressional Research Service)

Cambodian Government sources say that, according to their intelligence services, in March, a new shipment of Chinese weapons worth $18 million was received by the Khmer Rouge, (led by Pol Pot) in violation of the Paris accord on Cambodia that was coauthored and signed by Beijing. (Far Eastern Economic Review)

Alone among the nations of the world, China's military is still testing nuclear weapons, including the detonation of a nuclear weapon 5-10 times the power of the Hiroshima blast on June 10, just 2 weeks after President Clinton's decision to renew MFN unconditionally. (Washington Post)

As I mentioned earlier, China, alone among the declared nuclear powers, is massively increasing its defense spending—by 20 percent this year alone. (Wall Street Journal)

China has purchased billions of dollars worth of highly sophisticated Russian military equipment including SU-27 air superiority fighters and the latest main battle tank, the T80-U. (International Defense Review)

By continuing to provide preferential most-favored-nation treatment for these PLA exports, American consumers are in effect subsidizing China's program of guns to butter to guns. We believe that this should end. American consumers should not subsidize the Chinese Army with preferential trade treatment. Instead we must stand with the lone man before the tank.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KNOLLENBERG (at the request of Mr. MICHEL), for today, on account of official business.

Mr. DEFAZIO (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

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. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, on August 3, 4, and 5.

Mr. GOSS, for 5 minutes, today and August 2, 3, 4, and 5.

Mr. MANZULLO, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, on August 3.

Mr. DIAZ-BALART, for 5 minutes, on August 3.

(The following Members (at the request of Mr. COPPERSMITH) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. PELOSI, 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. GOSS) and to include extraneous matter:)

Mr. SOLOMON.

Ms. MOLINARI.

Mr. STUMP.

Mr. MYERS of Indiana.

Mr. GILMAN in three instances.

Mr. PACKARD.

Mr. ZELIFF.

(The following Members (at the request of Mr. COPPERSMITH) and to include extraneous matter:)

Ms. WOOLSEY.

Ms. PELOSI.

Mr. SCHUMER.

Ms. KAPTUR.

Mr. ENGEL.

Ms. NORTON.

Mr. TORRES.

Mr. MANTON.

Mr. SLATTERY.

Mr. HOYER.

ADJOURNMENT

Ms. PELOSI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Tuesday, August 2, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3601. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(1); to the Committee on Banking, Finance and Urban Affairs.

3602. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-303, "District of Columbia Solid Waste Management and Multi-Material Recycling Act of 1988 Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3603. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-304, "Professional License Fee Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3604. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-305, "Trinity Religious Temple Church Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3605. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-306, "Carolina Missionary Baptist Church Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3606. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-307, "Christ Church Washington Parish Episcopal Church Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3607. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-308, "Saints Constantine and Helen Greek Orthodox Church Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3608. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-309, "Michigan Park Christian Church Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3609. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-310, "Old Pentecostal Church Temple of Truth Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3610. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-312, "Roadway, Alley and Sidewalk Improvement Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3611. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-313, "First Church of Christ Scientist Equitable Real Property Tax Relief Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3612. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council for North America Affairs (Transmittal No. 94-43), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3613. A letter from the Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 94-33), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3614. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LAO] to Turkey for defense articles and services (Transmittal No. 94-30), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3615. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LAO] to Turkey for defense articles and services (Transmittal No. 94-31), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3616. A communication from the President of the United States transmitting notification of the expansion of capabilities at the Kigali airport to support the UNHCR relief operation more effectively (H. Doc. No. 103-288); to the Committee on Foreign Affairs and ordered to be printed.

3617. A letter from the Acting Director, Office of Management and Budget transmitting a report by OMB for pay-as-you-go calculations for Public Law No. 103-283 (H.R. 4454), pursuant to Public Law 101-508; section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3618. A letter from the Acting Director, Office of Management and Budget, transmitting a report by OMB for pay-as-you-go calculations for Public Law No. 103-281 (S. 1402), pursuant to Public Law 101-508; section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

3619. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in June 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

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. OBEY: Committee of Conference. Conference report on H.R. 4426. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995 (Rept. 103-633). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 4812. A bill to direct the Administrative of General Services to acquire by transfer the Old U.S. Mint in San Francisco, CA, and for other purposes (Rept. 103-634. Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 3110. A bill to designate the U.S. courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, NV, as the "Bruce R. Thompson United States Courthouse and Federal Building" (Rept. 103-635). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 4543. A bill to designate the U.S. courthouse to be constructed at 907 Richland Street in Columbia, SC, as the "Matthew J. Perry, Jr. United States Courthouse" (Rept. 103-636). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 4790. A bill to designate the U.S. courthouse under construction in St. Louis, MO, as the "Thomas F. Eagleton United States Courthouse" (Rept. 103-637). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 4727. A bill to designate the Federal building located at 125 Market Street in Youngstown, OH, as the "Thomas D. Lambros Federal Building" (Rept. 103-638). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 4772. A bill to designate the Federal building and U.S. courthouse located at 215 South Evans Street in Greenville, NC, as the "Walter B. Jones Federal Building and United States Courthouse" (Rept. 103-639). Referred to the House Calendar.

Mr. GIBBONS: Committee on Ways and Means. H.R. 4590. A bill to provide conditions for renewing nondiscriminatory (most-favored-nation) treatment for the People's Republic of China; with an amendment (Rept. 103-640, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4448. A bill to amend the Act establishing Lowell National Historical Park, and for other purposes; with an amendment (Rept. 103-641). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4158. A bill to establish the Lower East Side Tenement Museum National Historic Site; with amendments (Rept. 103-642). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 3898. A bill to establish the New Bedford Whaling National Historical Park in New Bedford, MA, and for other purposes; with an amendment (Rept. 103-643). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 1690. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; with an amendment (Rept. 103-644). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Criminal Aliens: A Federal Responsibility and A State and Local Burden (Rept. 103-645). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 500. Resolution providing for consideration of the bill (H.R. 4003) to authorize appropriations for fiscal year 1995 for certain maritime programs of the Department of Transportation, to amend the Merchant Marine Act, 1936, as amended, to revitalize the U.S.-flag merchant marine, and for other purposes (Rept. 103-646). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 501. Resolution providing for consideration of the bill (S. 1357) to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes (Rept. 103-647). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 502. Resolution providing for consideration of the bill (S. 1066) to restore Federal services to the Pokagon Band of Potawatomi Indians (Rept. 103-648). Referred to the House Calendar.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 4217. A bill to reform the Federal Crop Insurance Program, and for other purposes; with an amendment (Rept. 103-649). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee of the Whole House on the State of the Union discharged, and referred H.R. 3433 to the Committee on Ways and Means for a period ending not later than August 9, 1994 for consideration of such provisions of the bill and the amendment recommended by the Committee on Natural Resources as fall within the jurisdiction of the Committee on Ways and Means pursuant to clause 1(v), rule X.

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. WAXMAN (for himself and Mr. DINGELL):

H.R. 4864. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize a device application fee, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Mr. STUDDS):

H.R. 4865. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, and the Orphan Drug Act to revise the provisions of such Acts relating to orphan drugs; to the Committee on Energy and Commerce.

By Mr. SHARP (for himself and Mr. MOORHEAD):

H.R. 4866. A bill to encourage solar, wind, waste, and geothermal power production by permanently removing the size limitations contained in the Public Utility Policies Act of 1978; to the Committee on Energy and Commerce.

By Ms. SCHENK (for herself, Mr. SWIFT, and Mr. DINGELL):

H.R. 4867. A bill to authorize appropriations for high-speed rail transportation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWIFT (for himself and Mr. OXLEY):

H.R. 4868. A bill to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that act, and for other purposes; to the Committee on Energy and Commerce. Mr. DE LUGO (for himself, Mr. HUGHES, Mr. RICHARDSON, Mr. TORRES, Mr. SERRANO, Mr. PASTOR, Mr. BECERRA, Mr. MARTINEZ, Mr. MAZZOLI, Ms. VELAZQUEZ, Mr. TEJEDA, Mr. ORTIZ, Mr. GUTIERREZ, Mr. UNDERWOOD, and Ms. ROYBAL-ALLARD):

H.R. 4869. A bill to amend the Revised Organic Act of the Virgin Islands to provide for the appointment of a U.S. marshal by the President; to the Committee on Natural Resources.

By Ms. ENGLISH of Arizona:

H.R. 4870. A bill to amend the San Carlos Apache Tribe Water Rights Settlement Act of 1992 to extend the deadline for completing certain actions described therein; to the Committee on Natural Resources.

By Mr. HEFLEY:

H.R. 4871. A bill to provide for the study of certain prehistoric resources in the States of Colorado, Wyoming, and Utah; to the Committee on Natural Resources.

By Mr. McHALE:

H.R. 4872. A bill to develop a program regarding career opportunities by making such information available on publicly accessible networks and other electronic media; to the Committee on Education and Labor.

H.R. 4873. A bill to provide authority to executive departments and agencies to issue rulings respecting application of laws under their jurisdiction; to the Committee on the Judiciary.

H.R. 4874. A bill to amend the White House Conference on Small Business Authorization Act to require the final report of the national conference to be published in the Federal Register and distributed through the regional offices of the Small Business Administration; to the Committee on Small Business.

H.R. 4875. A bill to amend the Small Business Act to modify requirements relating to the personal net worth of individuals who may be considered economically disadvantaged for the purpose of receiving contract awards under section 8(a) of that act; to the Committee on Small Business.

By Mr. McHALE (for himself and Mr. McINNIS):

H.R. 4876. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for gain from certain small business stock to 100 percent for stock held for more than 10 years; to the Committee on Ways and Means.

By Mr. McHALE:

H.R. 4877. A bill to amend the Internal Revenue Code of 1986 to modify certain rules relating to subchapter S corporations; to the Committee on Ways and Means.

H.R. 4878. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for 20 percent of the employee training expenses paid or incurred by the employer; to the Committee on Ways and Means.

H.R. 4879. A bill to amend the Internal Revenue Code of 1986 to restore the 10 percent regular investment tax credit; to the Committee on Ways and Means.

H.R. 4880. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds for air and water pollution control facilities; to the Committee on Ways and Means.

H.R. 4881. A bill to amend the Internal Revenue Code of 1986 to disregard up to $15,000,000 of capital expenditures in applying the provisions permitting a $10,000,000 limit on qualified small issue bonds; to the Committee on Ways and Means.

By Mr. SWIFT:

H.R. 4882. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ZIMMER:

H.R. 4883. A bill to deny Federal benefits for 10 years to persons convicted of making a fraudulent representation with respect to residence in order to receive benefits from two or more States, and for other purposes; to the Committee on Government Operations.

By Mr. CALLAHAN (for himself, Mr. STUMP, Mr. TRAFICANT, and Mr. EVERETT):

H.J. Res. 396. Joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a U.S. citizen on account of birth in the United States unless a parent is a U.S. citizen at the time of the birth; to the Committee on the Judiciary.

By Mr. HAMILTON:

H. Res. 499. Resolution providing for the concurrence by the House with amendments in the amendments of the Senate to H.R. 4429; considered under suspension of the rules and agreed to.

By Mr. STUMP (for himself, Mr. SPENCE, Mr. SANGMEISTER, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Ms.

BROWN of Florida, Mr. QUINN, Mr. BACHUS of Alabama, Mr. RANGEL, Mr. MACHTLEY, Mr. SANTORUM and Mr. FALEOMAVAEGA):

H. Res. 503. Resolution expressing the sense of the House of Representatives that Congress, in providing funds for any fiscal year for programs to assist the homeless, should ensure that these funds are fairly apportioned for homeless veterans to help return homeless veterans to self-sufficient and productive lives; jointly, to the Committees on Banking, Finance and Urban Affairs and Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. WATERS and Mr. FOGLIETTA.
H.R. 112: Mr. COX.
H.R. 122: Mr. COPPERSMITH, Mr. WYDEN, Mr. ROEMER, and Mr. SAXTON.
H.R. 127: Ms. SLAUGHTER, Mr. PAYNE of New Jersey, Mr. TAYLOR of North Carolina, Mr. BARTON of Texas, Mr. MCCOLLUM, and Mr. HOCHBRUECKNER.
H.R. 133: Mr. STEARNS, Ms. SCHENK, Mr. CANADY, Mr. COPPERSMITH, Mr. CALVERT, and Mr. KNOLLENBERG.
H.R. 146: Mr. COMBEST, Mr. COX, and Mr. KNOLLENBERG.
H.R. 147: Mr. COMBEST.
H.R. 163: Mr. CALVERT.
H.R. 173: Mr. SAXTON and Mr. COX.
H.R. 391: Mr. COX and Mr. CALVERT.
H.R. 429: Mr. CALVERT.
H.R. 465: Mr. COMBEST and Mr. CALVERT.
H.R. 502: Mr. COX and Mr. SAXTON.
H.R. 657: Mr. CALVERT.
H.R. 692: Mr. RUSH.
H.R. 723: Mr. COMBEST and Mr. SAXTON.
H.R. 814: Mr. CALVERT, Ms. SCHENK, and Mr. COPPERSMITH.
H.R. 895: Mr. COMBEST.
H.R. 896: Mr. COMBEST and Mr. SAXTON.
H.R. 999: Mr. COMBEST and Mr. KNOLLENBERG.
H.R. 1026: Mr. CALVERT.
H.R. 1043: Mr. SAXTON, Mr. KNOLLENBERG, and Mr. DOOLITTLE.
H.R. 1080: Mr. KNOLLENBERG and Mr. LIPINSKI.
H.R. 1110: Mr. INHOFE.
H.R. 1122: Mr. CALVERT.
H.R. 1123: Mr. KNOLLENBERG.
H.R. 1125: Mr. KNOLLENBERG.
H.R. 1126: Mr. KNOLLENBERG.
H.R. 1127: Mr. COX.
H.R. 1130: Mr. CALVERT, Mr. KNOLLENBERG, and Mr. COX.
H.R. 1171: Mr. FOGLIETTA.
H.R. 1192: Mr. KNOLLENBERG.
H.R. 1209: Mr. CALVERT.
H.R. 1231: Mr. MARKEY and Mr. COPPERSMITH.
H.R. 1293: Mr. SAXTON.
H.R. 1392: Mr. COMBEST.
H.R. 1481: Mr. DOOLITTLE.
H.R. 1482: Mr. COX.
H.R. 1483: Mr. COX.
H.R. 1485: Mr. DOOLITTLE and Mr. COX.
H.R. 1487: Mr. CANADY and Mr. SAXTON.
H.R. 1505: Mr. CANADY and Mr. CALVERT.
H.R. 1518: Mr. CANADY.
H.R. 1552: Mr. SAXTON.
H.R. 1604: Mr. SAXTON, Mr. DORNAN, and Mr. DOOLITTLE.
H.R. 1605: Ms. SCHENK and Mr. COX.
H.R. 1606: Mr. DORNAN.
H.R. 1620: Mr. CANADY.
H.R. 1622: Mr. CALVERT.
H.R. 1725: Mr. ROEMER.
H.R. 1785: Mr. ZIMMER.
H.R. 1852: Mr. DOOLITTLE.
H.R. 1853: Mr. COX.
H.R. 1854: Mr. COX.
H.R. 1855: Mr. COX.
H.R. 1857: Mr. COX and Mr. CALVERT.
H.R. 1887: Mr. COX.
H.R. 1900: Mr. JOHNSTON of Florida.
H.R. 2038: Mr. COX.
H.R. 2050: Mr. KNOLLENBERG.
H.R. 2080: Mr. SKAGGS.
H.R. 2145: Mrs. LOWEY and Mr. BROWN of Ohio.
H.R. 2219: Mr. KNOLLENBERG.
H.R. 2646: Mr. CANADY and Mr. COX.
H.R. 2705: Mr. KNOLLENBERG.
H.R. 2826: Mrs. MEYERS of Kansas.
H.R. 2858: Mr. SAXTON and Mr. DORNAN.
H.R. 2913: Mr. ZIMMER and Mrs. MEYERS of Kansas.
H.R. 2959: Mr. HUFFINGTON, Mr. FAWELL, Mrs. FOWLER, and Mr. LIVINGSTON.
H.R. 3060: Mr. COPPERSMITH.
H.R. 3163: Mr. KNOLLENBERG.
H.R. 3224: Mr. COPPERSMITH and Mr. FILNER.
H.R. 3250: Mr. DORNAN and Mr. COX.
H.R. 3440: Mr. COPPERSMITH and Mr. FILNER.
H.R. 3442: Mr. KNOLLENBERG.
H.R. 3457: Mr. KNOLLENBERG.
H.R. 3464: Mr. KIM.
H.R. 3488: Mr. CHAPMAN.
H.R. 3513: Mr. SAXTON.
H.R. 3520: Mrs. MEYERS of Kansas.
H.R. 3560: Mr. DORNAN, Mr. COX, Mr. KNOLLENBERG, Mr. CALVERT, and Mr. SAXTON.
H.R. 3594: Mr. CALVERT and Mr. COX.
H.R. 3635: Mr. COX.
H.R. 3692: Mr. ZIMMER and Mr. COX.
H.R. 3716: Mr. COX.
H.R. 3717: Mr. COX.
H.R. 3772: Mr. DORNAN.
H.R. 3773: Mr. COX.
H.R. 3774: Mr. DORNAN, Mr. CALVERT, and Mr. COX.
H.R. 3775: Mr. COX.
H.R. 3777: Mr. DORNAN and Mr. COX.
H.R. 3778: Mr. COX.
H.R. 3779: Mr. CANADY and Mr. COX.
H.R. 3780: Mr. DORNAN, Mr. CANADY, and Mr. COX.
H.R. 3866: Mr. APPLEGATE, Mr. FIELDS of Louisiana, Mr. GONZALEZ, and Mr. GUTIERREZ.
H.R. 3926: Mr. COPPERSMITH.
H.R. 3971: Mr. CANADY.
H.R. 3978: Mr. DUNCAN and Mr. SKEEN.
H.R. 3986: Mr. BARCA of Wisconsin.
H.R. 4000: Mr. BUNNING, Mr. SHAYS, Mr. ZIMMER, Ms. ROS-LEHTINEN, Mr. CALVERT, Mr. RAVENEL, Mr. SCHAEFER, Mr. MACHTLEY, Mr. LEWIS of Florida, Mr. ALLARD, and Mr. CRAPO.
H.R. 4026: Mr. BOEHLERT, Mr. SWIFT, Mr. JEFFERSON, Ms. MCKINNEY, Mr. FOGLIETTA, Ms. WOOLSEY, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GUTIERREZ.
H.R. 4074: Mr. SMITH of New Jersey, Mr. LEACH, Mr. ACKERMAN, Mr. BURTON of Indiana, and Mr. TRAFICANT.
H.R. 4118: Mr. CHAPMAN and Mrs. BYRNE.
H.R. 4135: Mr. RUSH.
H.R. 4162: Mr. FOGLIETTA.
H.R. 4178: Mr. PORTMAN.
H.R. 4210: Mr. SANTORUM, Mr. SCHUMER, Mr. WELDON, Mr. GREENWOOD, Mr. ZIMMER, Mr. ACKERMAN, Mr. MENENDEZ, Mr. FOGLIETTA, Mr. ANDREWS of New Jersey, Mr. QUINN, Mr. HUGHES, Mr. TOWNS, Mr. KLEIN, and Mr. GALLO.
H.R. 4345: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARRETT of Wisconsin, and Mr. MEEHAN.
H.R. 4371: Mr. STEARNS.
H.R. 4386: Ms. PRYCE of Ohio.
H.R. 4394: Mr. ANDREWS of New Jersey and Mr. KOPETSKI.
H.R. 4407: Mr. ZIMMER.
H.R. 4473: Mr. ZIMMER.
H.R. 4514: Mr. SMITH of New Jersey, Mr. SAXTON, and Mr. TRAFICANT.
H.R. 4565: Mr. BACCHUS of Florida and Mrs. LOWEY.
H.R. 4585: Mr. RAVENEL and Mr. KLUG.
H.R. 4610: Mr. DEFAZIO, Ms. SLAUGHTER, Mr. QUILLEN, Mr. FISH, Mr. SMITH of New Jersey, Mr. LEVY, Mr. PETERSON of Minnesota, Mr. CALLAHAN, Mr. FRANK of Massachusetts, Mr. LANCASTER, Ms. KAPTUR, Ms. ESHOO, Mr. BISHOP, and Mr. FOGLIETTA.
H.R. 4618: Mr. MCDERMOTT.
H.R. 4669: Mr. MCDERMOTT.
H.R. 4695: Mr. FOGLIETTA.
H.R. 4698: Mr. MEEHAN, Ms. ESHOO, and Mrs. UNSOELD.
H.R. 4706: Mr. ZIMMER.
H.R. 4737: Ms. ROYBAL-ALLARD and Mr. MINETA.
H.R. 4739: Mr. FOGLIETTA.
H.R. 4758: Mr. PAYNE of New Jersey.
H.R. 4786: Mrs. ROUKEMA and Mrs. MEYERS of Kansas.
H.R. 4787: Mr. FILNER.
H.R. 4788: Mr. LEVY.
H.R. 4817: Mr. CAMP and Mr. BOEHNER.
H.R. 4822: Ms. ENGLISH of Arizona, Mr. BONILLA, Mr. SANDERS, Mr. BLUTE, and Ms. DUNN.
H.R. 4826: Mr. KYL, Mr. EWING, and Mr. BARRETT of Wisconsin.
H.R. 4830: Mr. CANADY, Mr. SHAYS, Mrs. MEYERS of Kansas, and Mrs. ROUKEMA.
H.R. 4831: Mr. DORNAN, Mr. RAVENEL, and Mr. INHOFE.
H.J. Res. 364: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BARCA of Wisconsin, Mr. BECERRA, Mr. BEILENSON, Mr. BORSKI, Mr. BREWSTER, Mr. BROOKS, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CALVERT, Ms. CANTWELL, Mr. CARR, Mrs. CLAYTON, Mr. COLEMAN, Mr. CONDIT, Mr. COOPER, Mr. COPPERSMITH, Mr. COSTELLO, Mr. CRAPO, Ms. DANNER, Mr. DEAL, Mr. DEFAZIO, Mr. DE LA GARZA, Ms. DELAURO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DICKS, Mr. DINGELL, Mr. DOOLEY, Mr. DUNCAN, Ms. DUNN, Ms. ESHOO, Mr. EVANS, Mr. EWING, Mr. FARR, Mr. FAZIO, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FINGERHUT, Ms. FURSE, Mr. GEJDENSON, Mr. GIBBONS, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HAMBURG, Mr. HASTINGS, Mr. HEFLEY, Mr. HILLIARD, Mr. HINCHEY, Mr. HOAGLAND, Mr. HORN, Mr. HOUGHTON, Mr. HOYER, Mr. HUNTER, Mr. HYDE, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KILDEE, Mr. KLEIN, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAFALCE, Mr. LAROCCO, Mr. LAZIO, Mr. LEACH, Mr. LEHMAN, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mrs. LOWEY, Mr. MCCLOSKEY, Mr. MCCRERY, Mr. MCDADE, Mr. MCHALE, Mr. MACHTLEY, Mr. MANN, Ms. MARGOLIES-MEZVINSKY, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mr. MENENDEZ, Mr. MINGE, Mrs. MINK of Hawaii, Mr. MOAKLEY, Ms. MOLINARI, Mr. MOORHEAD, Mr. MORAN, Mr. MYERS of Indiana, Mr. OLVER, Mr. ORTIZ, Mr. PASTOR, Ms. PELOSI, Mr. QUILLEN, Mr. QUINN, Mr. REED, Mr. ROSE, Mr. ROTH, Ms. ROYBAL-ALLARD, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SHARP, Mr. SMITH of Texas, Mr. SMITH of Iowa, Mr. SPRATT, Mr. STARK, Mr. STEARNS, Mr. STENHOLM, Mr. STUPAK, Mr. SUNDQUIST, Mr. SWETT, Mr. SWIFT, Mr. SYNAR, Mr. TAUZIN, Mrs. THURMAN, Mr. TORRES, Mr. TORRICELLI, Mr. TRAFICANT,

Mrs. UNSOELD, Mr. VENTO, Mr. VOLKMER, Mr. WAXMAN, Mr. WHEAT, Mr. WISE, and Mr. WYDEN.

H.J. Res. 381: Mr. DE LUGO, Mr. ACKERMAN, Mrs. BENTLEY, Mr. BLACKWELL, Mr. HOLDEN, Mr. KLEIN, Mr. LANTOS, Mr. DOOLITTLE, Mr. FLAKE, Mr. MARTINEZ, Mr. FAWELL, Mr. GREENWOOD, Mr. WYNN, and Mr. BACCHUS of Florida.

H.J. Res. 382: Mr. NEAL of Massachusetts, Mr. WYNN, and Mr. MONTGOMERY.

H.J. Res. 391: Mr. COOPER, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KREIDLER, Mr. MCDERMOTT, Mr. MEEHAN, Mr. HASTINGS, Mr. BARRETT of Wisconsin, Mr. KASICH, Mr. FROST, Mr. UNDERWOOD, Mr. TORRES, Mr. LEACH, and Mr. SANGMEISTER.

H. Con. Res. 3: Mr. DUNCAN.

H. Con. Res. 90: Mr. COX and Mr. DOOLITTLE.

H. Con. Res. 271: Mr. HOLDEN, Mr. FRANKS of Connecticut, and Mr. GEKAS.

H. Res. 213: Mr. COX.

H. Res. 255: Ms. DUNN, Mr. HASTINGS, and Mr. FROST.

H. Res. 270: Mr. CRAPO.

H. Res. 424: Mr. RAMSTAD, Mr. HAYES, Mr. NUSSLE, Mr. PARKER, Mr. BAKER of Louisiana, Mr. GALLO, Mr. STENHOLM, Mr. GRANDY, Mr. PETE GEREN of Texas, Mrs. FOWLER, Mr. WELDON, Mr. GUNDERSON, Mr. TORKILDSEN, Mr. DUNCAN, Mr. SISISKY, Mr. GOODLATTE, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. DICKEY, Mr. LAUGHLIN, Mr. BURTON of Indiana, Mr. GILCHREST, Mr. PENNY, Mr. STUMP, Mr. COX, Mr. UPTON, Mr. KIM, Mr. COOPER, Mr. EHLERS, Mr. MONTGOMERY, Mr. TAYLOR of Mississippi, Mr. ORTON, Mr. KINGSTON, Mr. DARDEN, Mrs. MEYERS of Kansas, Mr. LANCASTER, Mr. BUYER, Mr. BAKER of California, Mr. HOEKSTRA, Mr. KING, Mr. KNOLLENBERG, Mr. GOSS, Mr. BOEHNER, Mrs. VUCANOVICH, Mr. EWING, Mr. DORNAN, Mr. STEARNS, Mr. TALENT, Mr. LEWIS of Florida, Mr. INGLIS of South Carolina, Mr. CANADY, Mr. MCKEON, Mr. GRAMS, Mr. LEWIS of California, Mr. COLLINS of Georgia, Mr. MICA, Mr. PORTER, Mr. KLUG, Mr. BALLENGER, Mr. FIELDS of Texas, Mr. BILIRAKIS, Mr. MOORHEAD, Mr. GOODLING, Mr. BLUTE, Mr. CRAMER, Mr. HALL of Texas, Mr. MCINNIS, Mr. PETERSON of Minnesota, Mr. SARPALIUS, Mr. COMBEST, Mr. SUNDQUIST, Mr. BREWSTER, Mr. BAESLER, Mr. LEVY, Mr. WILSON, and Mr. BEREUTER.

H. Res. 430: Mr. DURBIN and Mrs. MEYERS of Kansas.

H. Res. 451: Mrs. BYRNE, Mr. GOSS, Mr. BACCHUS of Florida, and Ms. LOWEY.

H. Res. 485: Mr. LINDER, Mr. BLUTE, and Mr. BAKER of California.

EXTENSIONS OF REMARKS

KOSOVA—PEACE AND DEMOCRACY

HON. SUSAN MOLINARI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Ms. MOLINARI. Mr. Speaker, on Tuesday, July 19, several foreign policy experts gathered at the American Enterprise Institute, a prestigious research organization here in Washington, DC, to discuss the topic "Kosova: The Next Balkan Flashpoint?" The participants of this panel discussion unanimously agreed that in a short time the bloodshed in former Yugoslavia would spread to the Republic of Kosova, where for the past 5 years Serbian authorities have imposed the harshest policies of repression and terror against 2 million defenseless Albanians.

One of the panelists, former U.N. Ambassador Jeane Kirkpatrick, took the United States and the entire world community to task for our nonexistent policy in Kosova. According to Ambassador Kirkpatrick, "passivity gives consent" to aggression and conquest. Indeed, we have seen the danger of international passivity first hand in Bosnia and Herzegovina. The world cannot afford to let Kosova become the next victim of brutal Serbian expansionism.

Last May, Congressman ELIOT ENGEL and I introduced the Kosova Peace and Democracy Act whose primary purpose was to prevent a spillover of the Balkans conflict until substantial progress toward peace and stability have been made there. Serbia cannot be rewarded with the lifting of sanctions until there is freedom and an end of repression throughout all the Balkan States.

As Ambassador Kirkpatrick noted, in the Balkans there exists "a highly contagious process of violence." Let us act before millions more are killed. I commend Ambassador Kirkpatrick's comments to my colleagues and urge them to lend their support to the Kosova Peace and Democracy Act.

REMARKS OF HON. JEANE KIRKPATRICK, FORMER U.S. AMBASSADOR TO THE UNITED NATIONS

I would just like to emphasize the importance of this process of spreading repression and spreading violence in the entire region. The fact is that there has been spreading violence and repression from beginning of Milosevic's efforts to extend his power, beginning of course, in Kosova.

I'm certain I'm not the only person in the room who's heard officials of Slovenia and Croatia describe their review that Milosevie's repression of Kosova and his arbitrary unilateral revocation of Kosova's autonomy was probably the single most important factor of their countries' decisions to pursue independence from Serbia.

Because they could see in Milosevic's policies in Kosova a pattern of repression from the beginning. That pattern of repression that Marshall and Paula have both described, has, of course, continued. And until it has deprived the Albanian population of Kosova, most economic and social and civil and political rights created a large refugee population.

So let there be no doubt that we are discussing here a highly contagious process of violence. It's as contagious as a pathology as plague or any other deadly disease which has spread from repression in Kosova to repression and violence against Solvenia, then against Bosnia-Hercegovina, then throughout the continuing repression in Kosova, spreading into Macedonia, creating a destabilizing behavior in Albania with large refugee populations and Macedonia.

This is not a single phenomenon except in so far as we describe Milosevic's policies of repression and conquest as a single phenomenon. There is no "Slovenia problem," "Croatian problem," "Bosnia problem" "Kosovo-Albanian-Macedonian problem."

There is a process of highly contagious repression and violence which has already created very great destruction of human lives, security, and happiness and families and property and, of course, of peace in that region. And this process of contagion threatens to continue, quite simply.

What I would like to emphasize is that it is, in my judgment, a complete mistake to describe these difficulties as difficulties resulting from ethnic diversity or ethnic differences. They are problems that result from repressive policies and violence on the part of the most important military power in the region, namely Serbia. Where there has been an opportunity for people in the region to resist Milosevic force by force, or threat of use of force, to deter the use of force, by the threat of use of force, then there is, in fact, a kind of peace, a cold peace, for example, as in Slovenia.

When Slovenes were able to surprise Serbian efforts at conquest in Slovenia, demonstrating that they had, in fact, been able to acquire and preserve enough arms in Slovenia to provide the rudiments of self-defense for themselves.

Croatia was also able to provide the rudiments of self-defense for itself, despite the arms embargo, taking advantage of its useful borders. Croatia was able to deter Serbian aggression. Because Bosnia has not been able to defend itself and acquire the rudiments of self-defense because of the extremely unjust and unreasonable arms embargo which penalizes only Bosnians, it has not been able to contain Serbian aggression in Bosnia.

And because the people of Kosova have been almost entirely helpless, unarmed, defenseless, confronting Serbian policies of conquest and repression, they have been unable to defend themselves, and so the repression spreads.

I fear that Macedonia is another example of a people unable to deter aggression by a threat to defend itself and its own borders. The problem that should be clear is not the diversity of the people of the region, the problem is the policy of repression and violence. And the solution to the policy of repression and violence is, of course, democracy and pluralism, in fact; it is respect for the rights of all the people in the region.

We have a very bad habit of looking at diverse people and if they begin to kill each other, to conclude that they are killing each other because they are diverse people. It is not the ethnic diversity that is causing the mass slaughter in Rwanda. It is some very identifiable policies of some very identifiable power groups who manage to achieve the arms to slaughter their neighbors. And it's past time that we identify the problem for what it is, a problem of repression and conquest and violence.

Once we understand that, then we understand that like all other experiences with violence and repression, this one will have no natural boundaries. It will continue to spread. There isn't an identifiable ethnic group that we could say, "well, that's the ultimate boundary, they won't move beyond there."

I note, personally, with a chill down my spine, the pressures that derive from the flow of huge populations into Albania, into Italy, where, now comes the chill, the first fascist members of parliament and government in post-World War II Italy today sit. That's contagion and violence.

And I note, too, the unstable borders and the existence of movements and persons with an attraction to violence in other parts of Eastern and Central Europe. And I fear not just for the region, but for Europe, in fact. I note the total failure of European institutions for collective security. Total failure of European institutions for containing conflicts and for adjudicating conflicts of human rights violations, no matter how massive.

I note the failure of the United Nations machinery for settling conflicts among peoples in Europe. And I note the failure of diplomacy, again and again and again. And I note, finally, that alas, the saddest blow of all, personally, is the failure of NATO. And the fact that NATO has become itself afflicted by the failure of the European and UN institutions for collective security, today suffers from the same paralysis for having today submitted to the complicated operational, hierarchies of control which make effective action possible.

I think there are many lessons from this experience, all of them grim. One is that for the nations in Central Europe, membership in the United Nations, with all that it implies about legitimacy and recognition by the international community, cannot be regarded as a reliable guarantor of the security of any one of those new nations. And I note also that diplomacy cannot necessarily be relied on to forestall aggression. The peacekeeping cannot necessarily make any positive contribution but can, in fact, serve the purposes of aggressors in the region.

I, as an American, feel very sad to see the passivity of the Western democracies, particularly of our own country, particularly in the face of repression, aggression, conquest. I note that passivity gives consent. I note also that there is something even worse than being passive in the face of repression and aggression and conquest, and that is actually assisting it, which I very much fear the United States may commit itself to by using American forces to enforce boundaries imposed by aggression in Bosnia-Hercegovina under the existing plan.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I am reminded, as I'm sure many of us have been, by the comment of Winston Churchill in his last volume on the Second World War. He told the story of how the great Western democracies had triumphed over dictatorship and were again free to repeat their errors.

UNTIL THERE'S A CURE DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Ms. PELOSI. Mr. Speaker, on Sunday, the San Francisco Giants defeated the Colorado Rockies by a score of 9 to 4. But something far more important happened at Candlestick Park yesterday than Matt Williams' league leading 39th and 40th home runs. The Giants sponsored "Until There's A Cure Day," becoming the first professional sports franchise to set aside a day solely dedicated to the fight against AIDS.

The Giants donated $1 from every ticket sold to San Francisco nonprofit organizations. With the sale of T-shirts and other items, the team raised more than $100,000 in a single afternoon.

Mr. Speaker, what the San Francisco Giants have done is as all-American as Abner Doubleday's sport itself—they've extended their hands and hearts to those in their community who need help. All-star relief pitcher Rod Beck and his wife have donated their time and energy to pediatric AIDS foundations for several years. His teammates and the rest of the Giants organizations have pledged to continue speaking out on the need for more dialog, education, and compassion regarding the disease.

The San Francisco Giants deserve our congratulations and support. Because of the Giants, many others have a chance to win.

VOTE CORRECTION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Mr. SOLOMON. Mr. Speaker, there was an error in the rollcall votes of the Rules Committee on the SBA rule which were printed with my remarks in the Friday, July 29 CONGRESSIONAL RECORD at page H6469. On vote No. 3, the Rohrabacher amendment, Mr. BONIOR was listed as "not voting" when in fact he had voted "no." We apologize for this error. At this point in the RECORD I include the corrected vote tallies. The materials follow:

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO THE PROPOSED RULE ON H.R. 4801, SMALL BUSINESS REAUTHORIZATION AND AMENDMENT ACT OF 1994, THURSDAY, JULY 28, 1994

1. Open Rule—This amendment to the proposed rule provides for one-hour of general debate and an open amendment process. (Vote: Defeated 4-7). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Derrick, Beilenson, Bonior, Hall, Gordon, Slaughter. Not Voting: Frost, Wheat.

2. Kim (CA)—Sense of Congress that employer mandates would be destructive to small businesses and that the SBA should not use any funds authorized in the bill to promote the inclusion of employer mandates in health care reform legislation. (Vote: Defeated 4-6). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Derrick, Beilenson, Bonior, Hall, Slaughter. Not Voting: Frost, Wheat, Gordon.

3. Rohrabacher (CA)—Provides that no amounts provided in this Act may be used to provide financial or other assistance to illegal aliens. (Vote: Defeated 5-6). Yeas—Solomon, Quillen, Dreier, Goss, Beilenson. Nays—Moakley, Derrick, Bonior, Hall, Gordon, Slaughter. Not Voting: Frost, Wheat.

4. Adoption of Rule—(Adopted 7-4). Yeas—Moakley, Derrick, Beilenson, Bonior, Hall, Gordon, Slaughter. Nays—Solomon, Quillen, Dreier, Goss. Not Voting: Frost, Wheat.

TRIBUTE TO DORIS SCHULTZE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to publicly acknowledge outstanding individuals of our Nation.

I rise today to recognize one such individual, Doris Schultze, for her many years of dedication and service at Community School Board 18. Doris has also been active in civic, religious, and charitable organizations. She was secretary and president of the PTA of P.S. 114; she helped organize and served as vice president of the PTA of I.S. 68; and was president of the combined PTA's of Canarsie. Doris was chairperson of the Canarsie Mental Health Clinic and a member for the Canarsie Reformed Church, where she taught Sunday school. Her years of work in education shows that she understands the value of investing in this country's most precious resource, our children.

Doris is a charter member of Community School Board District 18 and now serves as vice president of this organization. As she begins her retirement, I know that her time will be well spent with her husband Werner, their children Andrew and Carol and her grandson Andrew.

I'm sure I speak on behalf of many members of the community who have either worked with Doris, or have experienced the benefits of her hard work when I thank this remarkable individual.

HOMELESS VETERANS ASSISTANCE RESOLUTION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Mr. STUMP. Mr. Speaker, I rise today to sponsor a resolution to assist homeless veterans. The sense of this resolution is clear. It calls on Congress to provide a more proportionate share of Federal funds for homeless assistance to veterans and to the VA, which manages a number of homeless assistance programs and activities.

There is little question about the seriousness of the problem. On any given night over a quarter million veterans are homeless, with perhaps twice as many experiencing homelessness over the course of a year. Studies indicate that veterans make up approximately one-third of the homeless adult population and, in some areas, half or more of the adult male homeless population.

But despite these facts, the VA receives less than 7 percent of funds provided for all Federal homeless assistance programs. Though funding for fiscal year 1995 is only partially accomplished at this date, the version recently approved by the House gave HUD a 45-percent increase for HUD homeless assistance programs. This would move HUD funding to $1.120 billion from $823 million. At the same time VA received an additional $11 million for programs to assist homeless veterans totaling $76.8 million

Homeless veterans require not only shelter and food, but frequently treatment for a number of personal problems sometimes closely linked to their military service—war-related trauma like post-traumatic stress disorder, service-connected disabilities, mental illness, substance abuse, economic hardship, missed opportunities from being in the service, and lack of developed jobs skills.

The VA has clearly demonstrated its effectiveness in addressing homelessness among veterans. However, VA program staff and the capacity of VA's programs to serve homeless veterans falls far short of providing the assistance these former soldiers require. Despite good faith efforts, VA simply doesn't have the resources to adequately address homeless veterans' issues.

Given the sheer number of veterans who are homeless, it is prudent that all agencies involved in homeless assistance reach out directly to assist homeless veterans. To put a dent in this problem, there must be a designated commitment to help homeless veterans.

Even at HUD, which has identified helping to reduce homelessness in America as its No. 1 priority, there seems to be little recognition of the need for veteran specific programs. Earlier this year, for example, HUD awarded grants to support groups in innovative homeless programs across the country with less than 2 percent going specifically to serve the one-third of the homeless who are veterans.

Even when some non-VA programs state that they place a special emphasis on the identification of and assistance to veterans, there is little to back it up. FEMA, for example, makes such a claim, but an analysis of recent budgets shows that less than one-tenth of 1 percent of their budget went to veteran activities.

My resolution would call on non-VA agencies to target a greater portion of their efforts toward veteran specific homeless programs.

These men and women who once proudly wore the uniform of the U.S. Armed Forces are now struggling to survive. They once stood for us; now, we must stand for them. They deserve the best we can give.

This is what my resolution is all about—an effort to reach out to the one-third of the adult homeless population that has served their country in the armed services and help return them to productive lives.

We don't need to reinvent the wheel. We only have to retarget our approach.

Since one-third of the homeless are veterans and Congress has established an array of Federal programs to help return the homeless to self-sufficient and productive lives, shouldn't veterans and the VA receive a proportionate share of resources for treatment?

I urge my colleagues to join Representatives FLOYD SPENCE, GEORGE SANGMEISTER, CHRIS SMITH, MIKE BILIRAKIS, CORRINE BROWN, JACK QUINN, SPENCER BACHUS, CHARLIE RANGEL, RON MACHTLEY, RICK SANTORUM, ENI FALEOMAVAEGA, and myself in cosponsoring this resolution to assist homeless veterans.

FORMER BUSH ADMINISTRATION OFFICIAL SAYS KOSOVA PEACE AND DEMOCRACY ACT "IS RIGHT ON THE MARK"

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Mr. ENGEL. Mr. Speaker, recently several prominent foreign policy experts gathered for a panel discussion on the situation in Kosova. All of the panelists agreed that the United States and the world community should do more to end Serbian repression against the ethnic Albanian population of Kosova.

One of the participants, Paula Dobriansky, a former member of the National Security Council staff and Deputy Assistant Secretary of State for Human Rights in the Bush administration stated that the Kosova Peace and Democracy Act, H.R. 4115, was "right on the mark." According to Ms. Dobriansky, this legislation, which I and Representative SUSAN MOLINARI introduced last May, includes a "critical linkage" of improvements in Kosova before sanctions against the Serbs are lifted.

I am encouraged that foreign policy experts such as Paula Dobriansky agree on the importance of utilizing our leverage over Belgrade until its brutal policies are reversed. I commend Ms. Dobriansky's remarks to my colleagues and urge them to support the Kosova legislation.

I ask that the text of Paula Dobriansky's remarks be included at this point in the RECORD.

AMERICAN ENTERPRISE INSTITUTE [AEI] PRESS BRIEFING—KOSOVA: THE NEXT BALKAN FLASH POINT?

Paula Dobriansky, former State Department and National Security Council official:

First, I'd like to thank AEI and Patrick Glynn for holding this panel. It is most timely and quite critical. I'd like to address three points this morning. First, what is the potential for a major outbreak of violence in Kosova, and what is the situation in Kosova today? Secondly, what are the ramifications of such violence for the region and for American interests? And also, thirdly, what essentially have been US policies toward Kosova, and what should they be?

In Kosova we are already witnessing, I believe, what essentially constitutes Serbian premeditated ethnic cleaning and repression of the some 2.5 million Albanians living there who, as you know, constitute 90% of the population. In other words, the spillover of the Balkan conflict has occurred and is, in fact, escalating. If you look at what's just happened from 1993–94, we have witnessed an escalation of human rights abuses and the increasing tensions placed on the Albanians living in Kosova. Serbia's unilateral revocation of Kosova's autonomous status in March of 1989, I believe, was a harbinger of subsequent events. Recently, Dr. Gashi of the Council for the Defense of Human Rights and Freedoms in Kosova was here in the United States and testified before Congress. In his testimony, he characterizes what he deems to be the situation in Kosova today. He said, "the Serbian strategy is to change the ethnicity of Kosova through institutionalized discrimination and structural repression. Its goal is ethnic cleansing without open war at this time, but with daily police brutality.

We are essentially observing nothing less than a systematic, premeditated, cultural genocide of the Albanian population in Kosova by Serbia. Among the shameless methods that have been utilized are, as you know, the suspension of the provincial government, the closing of Albanian language schools, and, in fact, the virtual overturn of the Albanian language, history, curriculum which have been virtually eradicated from the main university in Kosova and we've witnessed the building of an alternate university which has Albanian language and history. We have also witnessed the widespread dismissals of Albanian professionals from Kosova's public institutions, arbitrary arrests and detentions of Albanian officials and citizens. Virtually what can be characterized is essentially the existence of an apartheid system there. Serbs have taken actions to strain the Albanian population and essentially to provoke situations which I think, they hope can provide them with the pretext to use force.

As a buffer against that the strategy of President Rugova has essentially been to wield a peaceful resistance campaign in the face of daily repression and he's been very successful by having pursued this campaign in thwarting or deterring any kind of outbreak of violence or giving the Serbian police or others the pretext for sparking a conflict as results of an incident. President Rugova's stoic and what has often been described as Gandhian-like efforts have prevented conflicts from spreading, but it truly has taken a substantial toll on the Albanian population. In fact, only this year in the first quarter, human rights organizations have recorded over some 3,000 incidents of police brutality.

So, in sum, on the first point, the potential for outbreak of violence in Kosova and, if you will, the expansion of the conflict in the most violent way, I think, is great. Why? First, as I already described the spillover effect is ongoing and a foundation has already been laid by the fact that Kosova's provincial autonomy has been rescinded, and also the expansion of the scope and the extent of the repression that has occurred there.

Secondly, I think it can be said for these very reasons it's clear that an investment has already been made on the part of Serbia, the groundwork has been laid. Thirdly, I think you have to factor into the calculus that Serbia will also be evaluating the United States lack of resolution on policies toward the region at large and toward this area in particular, no less the West. The US will, in all likelihood, not act, despite its statement that it plans to utilize force if there's an outbreak or violent conflict in Kosova. And the likelihood that our troops in Macedonia will be utilized to cross the border is also rather unlikely from their calculus. And fourthly, I'd say that in looking at the prospects for peace from the peace plan already from the reports today and even regardless, I think even if this moved forward in what ever shape or form, I think it can be said that the prospects for peace are somewhat negligible. And given that, and given the underpinning of the plan—the legitimization of Serbian aggression—I think it can be said that again, in the overall calculus, this can lead toward the assumption that there is no reason for Serbia not to continue with its aggressive plan forward in Kosova.

What are the ramifications of an outbreak of violence in Kosova? I think they are very great for the region and for US interests. Some of the reasons include: first, given the ethnic fabric of the region, conflict will certainly and inevitably trigger the involvement of other neighboring countries, including two NATO members. Turkey has already expressed itself quite vocally on the grave circumstances in Kosova and has forged a very close relationship with Albania. Albania also has been very vocal and is expected not to just sit by in this case. Greece, Macedonia, Bulgaria. Consequently, I think it can be said that the scope of the conflict will be quite damaging and quite dangerous for European security. Such a conflict will inevitably have a very destabilizing influence in Europe, as a whole. This, in turn, has ramifications for US interests—our interests in preserving peace and stability on the Continent and elsewhere, in particular, the former Soviet Union.

We can also expect the increase of refugees. Already there's a substantial number as a result of the Bosnian conflict. This can only be expected to increase as a result of an outbreak of violence in Kosova and obviously will have political and social ramifications. And also, the economic impact of such a population dislocation will be quite great. The outbreak of violence certainly, then, will have political, economic, social and security consequences that I believe have direct bearing on American interests in securing a stable and peaceful Europe. So now, not to act, and to deter such a broad based conflict from occurring I think would be quite unfortunate.

This brings me to my last point about US policies: what are US policies at this time and what should they be? First, one policy that I think the United States should continue is the rendering of humanitarian aid. The Albanians in Kosova have suffered quite greatly and the tragedy is quite large and significant. From that standpoint, I would hope that humanitarian aid would continue to be rendered. In fact, recently Senator D'Amato has proposed legislation recommending the rendering of $8 million dollars of humanitarian assistance to Kosova.

Secondly, I think its very important to have a very vibrant and active strategy which should be continued in furthering democratic, technical assistance to the region at large. Certainly to Bulgaria, certainly to Albania, to Romania, no less to those other countries which comprise what constituted the former Yugoslavia. Their strong democratic and economic development is in our interest because that kind of stability is critical for the region. I'd like to cite the recent visit of the Albanian Defense Minister Shalali, a very good visit with our

Defense Secretary Perry in which there was an exchange about the importance of a strong relationship between the US and Albania. These kinds of actions I think are important and should be continued. Also it's important to continue the very vigorous recognition of President Rugova as the legitimate leader of Kosova. Not only on the part of the US, but on the part of the West at large. And in this regard, I would hope to see that the United States would actually take a more active role as has been urged by many, in the mediation between Albanians and Serbs over such issues as schools and over Albanian language.

In other words, we should make it vitally clear that the solution to the conflict does not rest with the peace plan. I believe it will not necessarily be observed and will not necessarily bring peace to the region. There has been set forth in Congress the Kosova Peace and Democracy act which, I think, is right on the mark. The essence of it is that given the repressive situation in Kosova, the United States should insist that the international economic sanctions should not be lifted until the Kosova crisis is resolved. That kind of linkage is critical.

We also must be far more vocal and vigilant that Serbia has been very outspoken about the rights of Serbs. I think there are legitimate concerns just as Serbia should have, in some cases, about the rights of Serbs. But having said that, the same argument can be made, and should be made, very forcefully that if you have that principle on one hand, then you should have the same principle in not denying the rights of Albanians in Kosova. Finally, I would just say that all efforts should be made to establish such linkages in US policy. They have not been made to date, and they need to be made. And in sum, only a strong, a decisive and preventive action, I believe, can help Kosova now and in the future.

RECOGNIZING NATIONAL NIGHT OUT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize a nationwide grassroots effort to combat crime that is gaining momentum and that deserves our recognition and our support.

As my colleagues know, I have a consistent voting record on advocating tough punishment for violent criminals coupled with smart crime prevention efforts. Just this week, conferees agreed on the final provisions of the toughest crime bill ever—a bill that contains truth in sentencing provisions to ensure that violent criminals stay in prison until they have served their sentences. This bill also includes progressive crime prevention strategies, to stop crime and violence in our cities, neighborhoods, and schools. Such measures include antigang programs, the Youth Employment and Skills project, and the Midnight Sports Program.

While prevention and intervention programs for youth are essential, another critical component of prevention is community involvement. Statistics clearly demonstrate that when neighborhood residents take an active interest in fighting back against violence and crime in their communities, their efforts pay off.

The National Association of Town Watch is celebrating the 11th Annual National Night Out, a unique drug and crime prevention event, scheduled for Tuesday, August 2, 1994. National Night Out is designed to: First, heighten crime and drug prevention awareness; second, generate support for, and participation in, local level anticrime programs; third, strengthen police-community relations; and fourth, send a message that neighborhoods are organized and fighting back against crime.

Last year, over 8,650 communities from all States turned out for this event. This year, the National Association of Town Watch is expecting nearly 26 million people throughout the country to participate in this important effort. In the district I am privileged to represent, the city of Rohnert Park, CA, will be the first city in Sonoma County to participate in National Night Out. I commend them for their participation and for the city's interest in turning this event into an annual city function.

This nationwide effort is run by volunteers with the assistance and contributions of various public agencies, nonprofit organizations, and businesses. In the community of Rohnert Park, local merchants are supporting the night out and other efforts to keep the neighborhoods safe by contributing merchandise and funds to the local neighborhood watch program. Their contributions have included a variety of needed materials such as flashlights, communication equipment, specially designed neighborhood watch jackets that are easy to recognize, food and drinks for volunteers, and photocopying to help get the word out about the event.

The remarkable Neighborhood Watch Program in Rohnert Park's C section is generating active participation in our local community and promoting partnerships between local law enforcement and neighborhood residents. Similar results are being experienced throughout the Nation, as the active participation in National Night Out demonstrates. It is absolutely essential that government at all levels—and citizens throughout the Nation—lend their strong support to these efforts.

Mr. Speaker, I am proud to recognize the dedicated volunteers and community leaders who are protecting our facilities in Rohnert Park and other communities throughout the Nation, and I urge my colleagues to join me in supporting neighborhood crime watch programs and National Night Out.

SUPPORT FOR TRAUMATIC BRAIN INJURY (S. 725)

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Mr. SLATTERY. Mr. Speaker, I would like to commend Chairman WAXMAN and Chairman DINGELL, who have worked diligently on the Minority Health Improvement Act (H.R. 3869), which included the House version of the Traumatic Brain Injury Act (H.R. 3121). This legislation passed the House on May 23, 1994. I would also like to thank Senator KENNEDY for his work on the Traumatic Brain Injury Act in the Senate (S. 725), which is the legislation we are considering under suspension of the rules today.

I strongly support this legislation. I introduced a similar bill in the House (H.R. 3121), along with Mr. GREENWOOD, Mr. PALLONE and Mr. QUILLEN, because I believed it was extremely important to provide funding for research and prevention and for the establishment of programs related to traumatic brain injury [TBI]. I believe that TBI Act would provide States the opportunity to access Federal funds that are necessary for expanding the additional services statewide. I am pleased to see that the Traumatic Brain Injury Act will now be authorized so that we can begin to focus our efforts on appropriations for this very important program.

In human and economic terms, traumatic brain injury is one of the most devastating injuries a person can sustain. Rehabilitative treatment interventions must be significantly improved in order to adequately address the complexity of the medical consequences associated with traumatic brain injury. Survivors of TBI are among the most underserved populations in our country, often receiving incorrect diagnoses and inappropriate treatment, and sometimes no treatment at all. Survivors of severe TBI are often inappropriately institutionized solely in order to receive subsistence care. In addition, families of survivors of TBI often have no other choice but to institutionalize their loved ones in lieu of home and community-based programs.

The economic consequences of TBI are no less significant than the human costs. With over 500,000 individuals who require hospitalization per year due to head injuries, society incurs $25 billion per year in direct and indirect costs of medical treatment, rehabilitative and support services, and lost income. Estimated lifetime costs to care for a survivor of severe traumatic brain injury can exceed $4 million.

The Traumatic Brain Injury Act addresses these problems by enhancing public awareness of head injury prevention. This legislation will help raise public awareness of the serious risks and tragic consequences of head injuries and will designate a Federal agency to oversee and promote projects to prevent traumatic brain injury and to assist in rehabilitation efforts across the Nation.

The legislation will assist States in creating advisory boards to coordinate citizen participation in community traumatic brain injury programs and will create a registry to advance epidemiologic research efforts across the Nation. This bill also calls for major studies to be conducted on the causes and prevention of brain injury. It also emphasizes the discovery and use of unique ways to prevent injury and heighten individual responsibility.

The Traumatic Brain Injury Act, which emphasizes prevention and treatment options, will help these individuals and their families cope with the debilitating and lifelong consequences of these tragic accidents.

I urge my colleagues to support this bill.

TRIBUTE TO JOSEPH A. FISHER

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Mr. MYERS of Indiana. Mr. Speaker, it is with mixed emotions of praise and regret that I announce the impending retirement of my experienced and dedicated staff director on the House Post Office and Civil Service Committee, Joe Fisher. Joe is one of the rare individuals who has shown dedication and commitment to public service. Joe first came to the Hill back in 1969 as press secretary to the former Senator Ralph Smith of Illinois. He then moved over to the newly formed Postal Rate Commission and served as the secretary to the Commission. Joe returned to Capitol Hill and served as staff director on the House Post Office and Civil Service Committee for former Representative Edward Derwinski of Illinois. He retained this post through three successive ranking minority members including former Representative Gene Taylor of Missouri, Representative BEN GILMAN of New York, and myself.

Joe has demonstrated a keen political savvy while adroitly working with Members on both sides of the aisle. He oversaw legislation reforming the Civil Service, the Federal Employees Retirement System, the Postal Service, and Government ethics. Anyone with even a passing interest in committee issues agrees that Joe is universally recognized as an expert in civil service and postal issues. Staff members sharing his dedication to public service are hard to find these days and his abilities and institutional memory will prove irreplaceable.

Before coming to Capitol Hill, Joe served as a member of the fourth estate and worked as a reporter and editor for several Illinois daily newspapers. He first worked as a reporter at the Dubuque Telegraph-Herald. He later served as the State capital reporter for the Rockford Register-Republic. Joe was later promoted to chief political editor for the Rockford Morning-Herald and Register-Republic. Joe is a Chicago native and received both his bachelors and masters degrees from Northwestern University.

I know I speak for all the members and staff of the Post Office and Civil Service Committee when I extend my best wishes to Joe and his wife Eleanor, his five daughters, and grandchildren for a happy, healthy, and fulfilling retirement.

TRIBUTE TO DR. FRANK GATTI AND LETICIA FARAJIANI

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Ms. MOLINARI. Mr. Speaker, I rise today to acknowledge the accomplishments of two outstanding members of the medical community in my district of Brooklyn. The women's auxiliary of Victory Memorial Hospital will honor Dr. Frank Gatti, director of medical affairs, and Leticia Farajiani, R.N., administrator of the skilled nursing facility, in October. I would like to take this opportunity to honor them myself today.

Dr. Frank Gatti graduated from the University of Rome in 1957 after completing his B.S. in pre-medical education and his M.A. in education at New York University. He completed a rotating internship at Coney Island Hospital in 1958 and then became the director of health service and emergency service at Elmhurst General Hospital until 1960. In 1960, he started his own practice in Brooklyn which continues to thrive today. He has been an active member of the Victory Memorial Hospital since 1961, serving as the secretary, vice president and three terms as president on the medical executive committee. He was appointed the director of family practice from 1983 to 1991 and he continues to serve as the director of medical affairs, which he has done since 1989. He has obtained diplomate status by the American Board of Family Practice through charter board certification. He is Florida Board certified and serves as the chief medical examiner of the city of New York. His service to his community has been outstanding. I applaud his efforts and recognize his accolades of achievement.

Leticia Farajiani, L.N.H.A. currently serves as the full time administrator of Victory Memorial Hospital Skilled Nursing Center. She came to the United States from the Philippines and received her baccalaureate degree in nursing. She was awarded an M.A. in health education from Columbia University. She worked at Seaview Hospital in Staten Island as director of nursing services for 7 years, later serving as associate director and associate executive director. Later, she was appointed as director of nursing services at a Brooklyn community hospital where she worked for 5 years. In 1989, she was awarded a certificate from the top 40 management program. She orchestrated a phase one opening of a 150 bed skilled nursing facility at Victory Memorial Hospital Skilled Nursing Center. She is currently preparing for her diplomate and fellowship examination for the American College of Health Care Executives. Her long term goal is to establish a medical-social model adult day care program open to members of the Bay Ridge community.

I applaud the remarkable distinctions bestowed upon Dr. Frank Gatti and Leticia Farajiani, R.N. and I am proud to have them as constituents in my community.

YOUNG AMBASSADORS FROM ROMANIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Ms. NORTON. Mr. Speaker, I wanted to share with my colleagues a recent event at Children's Hospital National Medical Center that provided a touching moment and an encouraging commentary about what we can learn from our children.

A group of Romanian teenagers touring the United States stopped at the hospital to present a concert of traditional Romanian music and folkdances for the young patients. The artists were chosen to come to the United States as an example of Romania's best and brightest young students. And they were delightful goodwill ambassadors.

To the accompaniment of folk instruments, 10 of Romania's Young Ambassadors in colorful Romanian costumes performed traditional dances. The performers also presented a very professional program of classical music.

The concert was a welcome note of cheer for the hospital patients and an opportunity for them to experience another culture. For the performers, it was a chance to say a small thank you to the United States for our support of Romania's efforts to overcome its bleak history of communism and dictatorship.

And it was another reminder of the innate goodness in our children that should serve as a model for all adults.

My congratulations and thanks to those young ambassadors from Romania.

HONORING DR. STUART E. GOTHOLD ON HIS RETIREMENT AS SUPERINTENDENT OF LOS ANGELES COUNTY SCHOOLS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual and dedicated educator, Dr. Stuart E. Gothold, superintendent of Los Angeles County Schools.

As superintendent, Dr. Gothold has dedicated over 35 years of service to providing our children with a superior public education. Responsible for 200 school sites, 3,400 employees, 15,000 students, and an annual budget of $339 million, he has gained a reputation as an effective administrator and visionary leader who has admirably led county schools through tough economic times.

Dr. Gothold is well respected and admired for his involvement in local, county, State and national issues and efforts to improve our educational system. Most notably, he has directed the development of strategic plans to position the office of education as a key voice in California public education; established model choice high schools—arts and international business—on California State University campuses; and established community-based schools for at-risk youth.

In addition to his extensive professional responsibilities, Dr. Gothold has volunteered countless hours to the community. He is co-chair of the Los Angeles County Music Center Education Council, co-chair of Rebuild Los Angeles Education task force, and active member of countless civic organizations, including Workforce Los Angeles, Los Angeles Area Boy Scouts Council, the United Way campaign, and the Santa Fe Springs Rotary Club.

As he assumes new challenges as clinical professor of educational administration at the University of Southern California, he leaves behind a legacy of commitment and dedication to the educational well-being of our children. His footsteps will be hard to follow.

Mr. Speaker, I ask my colleagues to join me in recognizing this distinguished educator, Dr. Stuart E. Gothold, and in saluting him for his exemplary leadership and outstanding service to Los Angeles County Schools, and in particular, to the students in my congressional district.

THE 300TH ANNIVERSARY OF THE TOWN OF KINGSTON, NH

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Mr. ZELIFF. Mr. Speaker, this weekend is a special time for the town of Kingston, NH, for its residents are celebrating the town's 300th anniversary.

They can be proud that through the centuries, their town has been a positive example to others of a cohesive, working community. And, these traits have made the town a welcome location for people of all ages.

From its most famous citizen, Josiah Bartlett, New Hampshire got its first president as well as a medical society. As more years passed, many a fine selectman, town clerk, treasurer, moderator, fire and law officer have helped to make Kingston the sound community it is today. The town grew with a band stand in 1875, Sanborn Seminary in 1883, a library in 1898, electricity in 1912, and its first fire truck in 1924.

In 1969, 2,900 residents were proud to call Kingston home and that number now stands at 6,500. In 1970, the historical museum began along with the recreation commission and VFW Post 1088. The year 1979 provided the town with the community house followed in 1981 with Kingston Pines, a home for the elderly. Cable television first came Kingston's way in 1982. And just this year, the new police station reached completion.

Kingston also takes pride in its schools and churches along with civic, recreational, and business endeavors. In fact, Nichols Poultry has promoted chicken in the Poultry Hall of Fame.

Mr. Speaker, the good people of Kingston have reason to take pride in their heritage and I join with them in paying tribute to the spirit, hard work, and vision of the town's ancestors. I'm confident that when Kingston celebrates another 100 years, our grandchildren and great-grandchildren will look back upon this time with optimism and prosperity.

TRIBUTE TO GEORGE "TIM" PEIRCE

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 1, 1994

Mr. MANTON. Mr. Speaker, I rise today to congratulate George "Tim" Peirce on his contribution to the aviation industry and the borough of Queens on the occasion of his retirement from the Port Authority of New York and New Jersey.

He was recognized for his tireless efforts on June 30, 1994, at the Terrace on the Park in Flushing Meadows Corona Park, Corona, NY, located in the Seventh Congressional District of New York, which I have the pleasure of representing.

Tim Peirce was born in Worcester, MA. He graduated from the University of Massachusetts with a degree in business administration. His military service included the U.S. Naval Reserve Submarine Corps, followed by active duty as a pilot with the U.S. Air Force and the Massachusetts Air National Guard, flying F–86 jet aircraft.

Mr. Speaker, Tim accepted employment with the Port Authority of New York and New Jersey in 1961, as an industrial engineer. In 1969, on temporary assignment with the Metropolitan Transportation Authority, Tim served as the first airport manager of Stewart Airport in Newburgh, NY. Assigned to LaGuardia Airport in 1970 as supervisor of maintenance services and in 1973 as assistant manager, Tim was promoted to the position of general manager of LaGuardia Airport in 1975. Presently, he holds the position of assistant director for capacity management.

In addition, he serves as a leader and member of numerous community organizations. He is a member of the advisory board of the College of Aeronautics in Flushing, Queens; a member of the board of directors of the Queens Chamber of Commerce; former president and a current member of the board of directors at the LaGuardia Airport Kiwanis Club; member and past chairman of the Salvation Army's Queen's County advisory board; member of the board of directors of the Court Foundation; member and past chairman of the advisory board of the Queen's Lighthouse for the Blind; member of the board of directors of the Lighthouse, Inc.; member of the board of directors of Operation Sail 1986; past president, and member of the board of directors of the North Beach Club; member of the board of directors, president and treasurer of Operation Sail in 1992; vice chairman of the Operation Sail, —Inc. and a member of the board of directors of America's Sail.

Mr. Speaker, I commend Mr. Peirce for his dedication not only to his career, but also to his community. I know my colleages join me in congratulating Tim Peirce on his very special day.

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 Tuesday, August 2, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

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, proposed legislation relating to mental health and substance abuse programs, and pending nominations.

SD–430

9:30 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine certain legal issues with regard to the Whitewater Development Company, Inc., and Madison Guaranty Savings and Loan.

SD–106

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

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

10:00 a.m.

Environment and Public Works

Business meeting, to mark up S. 1834, authorizing funds for programs of the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund).

SD–406

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

10:15 a.m.

Judiciary

Immigration and Refugee Affairs Subcommittee

To hold hearings to review a report by the Commission on Immigration Reform on the impact of immigration on the United States.

SH–216

2:15 p.m.

Small Business

Business meeting, to mark up proposed legislation authorizing funds for programs of the Small Business Administration.

SR–428A

AUGUST 4

9:30 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine certain legal issues with regard to the Whitewater Development Company,

Inc., and Madison Guaranty Savings and Loan.

SD–106

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on miscellaneous public lands issues, including S. 399, H.R. 457, S. 1998, S. 2001, H.R. 2620, S. 2033, S. 2078, H.R. 1716, S. 2236, and S. 2249.

SD–366

Governmental Affairs

To hold hearings on full voting representation in Congress for the District of Columbia.

SH–216

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

10:00 a.m.

Foreign Relations

To hold a closed briefing on the Middle-East peace process.

S–116, Capitol

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, S. 2319, 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, and S. 2236, to direct the Secretary of the Interior to enter into negotiations concerning the Nueces River project, Texas.

SD–366

Judiciary

Constitution Subcommittee

To hold hearings on S.J. Res. 120, proposing an amendment to the Constitution prohibiting the imposition of retroactive taxes on the American people.

SD–226

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, S. 2319, 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, and S. 2236, to direct the Secretary of the Interior to enter into negotiations concerning the Nueces River project, Texas.

SD–366

2:15 p.m.

Judiciary

Antitrust, Monopolies and Business Rights Subcommittee

To hold hearings on S. 2297, to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis.

Time to be announced

Judiciary

Business meeting, to consider pending calendar business.

Room to be announced

AUGUST 5

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings to examine Blue Cross/Blue Shield Federal contracts.

SD–342

9:30 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine certain legal issues with regard to the Whitewater Development Company, Inc., and Madison Guaranty Savings and Loan.

SD–106

Joint Economic

To hold hearings to examine the employment-unemployment situation for July.

2359 Rayburn Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Domestic and Foreign Marketing and Product Promotion Subcommittee

To hold hearings on S. 1557, to revise the Dairy Production Stabilization Act of 1983 to require that members of the National Dairy Promotion and Research Board be elected by milk producers and to prohibit bloc voting by cooperative associations of milk producers in the election of the producers, and S. 1564, to revise the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program, to terminate the program on December 31, 1996, and to prohibit bloc voting by cooperative associations of milk producers in connection with the program, and to examine the beef industry long range plan of the Cattlemen's Beef Promotion and Research Board.

SR–332

10:30 a.m.

Veterans' Affairs

To hold hearings to examine reproductive hazards associated with military service, focusing on the risks of radiation, Agent Orange, and Gulf War exposures.

SH–216

AUGUST 8

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To continue hearings to examine Blue Cross/Blue Shield Federal contracts.

SD–342

2:00 p.m.

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), S. 2330, to revise 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 other pending legislation.

SR–418

AUGUST 10

9:00 a.m.

Office of Technology Assessment

Board meeting, to consider pending business.

EF–100, Capitol

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.

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

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